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Transnational Arms Flows in the Syrian Civil War

A Thesis submitted in partial satisfaction of the
requirements for the degree Master of Arts
in Global and International Studies

by

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ABSTRACT

Transnational Arms Flows in the Syrian Civil War

by

Megan Malina Stanek

This paper looks at small arms transfers to non-state actors in the Syrian conflict as an under analyzed aspect of intervention in intrastate war that is both globalized and potentially destabilizing. I challenge the dominant narrative that the international community has failed to intervene in Syria, by pointing to the manifold government-funded arms transfers to opposition groups beginning in 2012. I find that there are two significant networks of arms trafficking: one through Jordan with Saudi Arabian and American support; the other through Turkey with Qatari support. These patterns and rivalries between donor countries have contributed to three processes within the transformation from revolution to civil war: militarization, increased sectarianism, and fragmentation of the opposition. I review two mechanisms of international arms control: multilateral embargoes and the recent Arms Trade Treaty. Their weaknesses, as evident in the case of Syria, are related to the problems of self-monitoring and enforcement by states that have contradictory incentives. Next, I address the related issue of surplus arms by looking at how the failure of disarmament measures in Iraq and Libya had a direct impact on arms proliferation in Syria. I conclude with a discussion of the legality of arms transfers to non-state actors and the need to focus on political rather than military solutions to globalized conflict.

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ACRONYMS

ATT: Arms Trade Treaty (2013)

DDR: Disarmament, demobilization and reintegration

FSA: Free Syrian Army

JAI: Jaish al-Islam

MANPADS: Man Portable Air Defense System

MB: Muslim Brotherhood

NCC: National Coordination Body [for Democratic Change]

PoA: UN Programme of Action (2001)

RtoP: Responsibility to Protect

SALW: Small Arms and Light Weapons

SMC: Supreme Military Council

SNC: Syrian National Council

Introduction

It has been clear since at least 2012 that the violence in Syria has evolved beyond the dynamics of a domestic revolt. Some have suggested a proxy war between Saudi Arabia and Iran, but the reality of the conflict shows a much more complicated picture. There are more than two external powers vying for influence over the situation, and the goals of each are far from clear.

One demonstration of the regionalization of the conflict is the number of countries that participated in the Geneva II Conference on Syria in January 2014. The meeting was the second attempt to bring about a political solution between the regime of Bashar al-Assad and the political opposition, after the first conference in June 2012. Representatives from at least 26 countries were invited to the 2014 forum, half of which do not belong to the immediate region or the Arab community.¹

Another sign of the international nature of the conflict is the Friends of Syria group, which might be more aptly named “Countries with Vital Strategic Interests in Syria”. The Friends of Syria meetings represented an effort to bypass the UN Security Council after Russia vetoed a resolution condemning the actions of President Assad, and to recognize the Syrian National Council as representing the Syrian people. The group has met several times beginning in February 2012, and has been attended by up to 114 states. As of 2014 a core group of 11 states has emerged, representing regional supporters of the opposition along with a handful of European countries and the United States.²

¹ “List of Geneva II participant countries determined,” *Anadolu Agency*, December 20, 2013, accessed January 9, 2015, <http://www.aa.com.tr/en/news/265260--geneva-ii-participant-list-finalized-un-special-envoy-brahimi-says>

² “Friends of Syria Deliver Nothing New,” *Al-Monitor*, April 2014, accessed January 9, 2015, <http://www.al-monitor.com/pulse/originals/2013/04/syrian-opposition-radical-elements-wester-arms.html>

The international community is deeply involved in Syria, and yet the dominant narrative about the conflict in Western media is one of the ‘failure to intervene’. Human rights organizations diligently document the atrocities of the Assad regime and deplore the UN Security Council for its inaction. A headline on the blog of the International Coalition for the Responsibility to Protect reads, “UN Security Council fails to uphold its Responsibility to Protect in Syria”.³ Susan Rice proclaimed, "The council's inaction on Syria is a moral and strategic disgrace that history will judge harshly" (U.S. Mission to the United Nations, 2013). This narrative leaves almost no room to disagree without being called an ‘Assad apologist’, but it completely ignores the less visible international intervention happening on the ground through arms transfers, shadow governments and non-state actors.

The *intervention* that mainstream media and governments debate refers primarily to military action through aerial bombardment and no-fly zones. A CNN poll from 2012 asking how Americans felt about intervention in Syria found that most didn’t think the U.S. had responsibility to take any action in Syria.⁴ ‘Taking action’ was not defined in the poll, but the only specific tactic mentioned was a no-fly zone. In 2014 another poll showed that public opinion had shifted, and that most Americans now approved of intervention in Syria, this time in the form of airstrikes.⁵

³ “UN Security Council fails to uphold its Responsibility to Protect in Syria,” *International Coalition for the Responsibility to Protect*, Accessed March 1, 2015, <http://www.responsibilitytoprotect.org/index.php/component/content/article/136-latest-news/3688-un-security-council-fails-to-uphold-its-responsibility-to-protect-in-syria>

⁴ “CNN Poll: Majority of Americans oppose US intervention in Syria,” *CNN*, June 7, 2012, accessed May 3, 2015. <http://politicalticker.blogs.cnn.com/2012/06/07/cnn-poll-majority-of-americans-oppose-us-intervention-in-syria/>

⁵ Balz, Dan and Craighill, Peyton. “Poll: Public supports strikes in Iraq, Syria; Obama’s ratings hover near his all-time lows,” *The Washington Post*, September 9, 2014, accessed May 19, 2014, http://www.washingtonpost.com/politics/poll-public-supports-strikes-in-iraq-syria-obamas-ratings-hover-near-his-all-time-lows/2014/09/08/69c164d8-3789-11e4-8601-97ba88884ffd_story.html

Scholars have begun to contrast the use of a no-fly zone and airstrikes in Libya in 2011 with the inaction in Syria. Although the overall outcome of the NATO intervention in Libya is seen by many as a disaster, United Nations Security Council Resolution 1973 continues to be viewed as a success for international humanitarian intervention and for the emerging Responsibility to Protect (RtoP) norm. “Hopefully, Libya was not an aberration. Syria currently shames the collective international conscience and appears to dash the hopes for decisive outside military intervention” (Weiss 2014, 36). Katherine Kersavage writes that Libya “has prompted comparisons and contrasts to the situation in Syria, where over 100,000 people have died but where military intervention has not been pursued” (Kersavage 2014, 23).

While rightly acknowledging that the crisis in Syria reflects the continuing primacy of geopolitics over principle (Hehir 2013; Weiss 2014), these types of assessments miss one critical point. Airstrikes and no-fly zones are not the only forms of intervention. As an international community we have failed the people of Syria through collective inaction, but also through deliberate individual actions that have contributed to further violence and destabilization of the region as a whole. It’s true that after four years of destruction, inaction has left Syria without a political resolution, adequate amounts of humanitarian aid, or support for millions of refugees. What is not so frequently discussed is the external intervention through transfers of small arms and light weapons (SALW) that has transformed the conflict and will continue to have repercussions for years down the road. The revolution that started in 2011 as a series of nonviolent protests quickly turned into an intractable violent confrontation fueled by sectarian rhetoric and increasingly supported by foreign powers.

One prominent Syrian activist and blogger, who goes by the pseudonym Edward E. Dark, has written eloquently about the moment he felt the revolution was lost. It was not the failure of the international community to intervene, but the taking up of arms by factions of the opposition, aided by external actors. He writes:

“To us, a rebel fighting against tyranny doesn’t commit the same sort of crimes as the regime he’s supposed to be fighting against. He doesn’t loot the homes, businesses and communities of the people he’s supposed to be fighting for. Yet, as the weeks went by in Aleppo, it became increasingly clear that this was exactly what was happening.

...For “us,” a revolution was a slow, deliberate and committed struggle for change. Like water drops repeatedly beating down on a boulder, eventually we would break it. But for “them,” well, their idea of change was throwing a ton of TNT at that boulder and having it, and everything around it, blown to smithereens.

...It was around about that time that I gave up on the revolution, such as it had become, and saw that the only way to Syria’s salvation was through reconciliation and a renunciation of violence. Many felt this way, too. Unfortunately, that is not a view shared by the warmongers and power brokers who still think that more Syrian blood should be spilled to appease the insatiable appetites of their sordid aspirations.”⁶

For him and many others still living in Syria, violence is the problem, not the solution. Others display a more vengeful attitude, specifically directed toward non-Syrians who have become involved in the conflict. What would elicit that kind of reaction? Since the beginning of the uprising, SALW have been crossing the border into Syria from all directions. State and privately funded arms making their way to both sides of the conflict reflect national and ideological priorities, not the humanitarian principles so often

⁶ Dark, Edward, “How We Lost the Syrian Revolution”, *Al-Monitor*, May 2013, accessed May 19, 2015, <http://www.al-monitor.com/pulse/originals/2013/05/syria-revolution-aleppo-assad.html#ixzz3aMxR03QY>

promulgated in defense of larger interventions. Rivalries, profit and strategic goals are among the drivers of these arms flows, but the consequences are much more complex. As I will show, the influx of weapons contributed to militarization of the revolutionary uprising and increasing sectarianism, making a political solution more difficult and less likely. As described by a journalist living in Damascus, “Syria's southern region is awash with heavy weaponry and dozens of rebel groups that are not neatly divided along tribal lines, creating an elaborate web of loyalties. While tribal conventions remain strong, they compete with intensified religious sensibilities, myriad political pressures and armed factions that want to obey their own rules.”⁷

The demand for weapons in a conflict zone is high, and black market trafficking networks thrive in that environment. “War provides legitimation for various criminal forms of private aggrandizement while at the same time these are necessary sources of revenue in order to sustain the war” (Kaldor 2013, 117). Militants support themselves through looting, hostage-taking, illegal trade and external assistance in many forms.

But the war economy described by Kaldor is only half the picture. In this ungoverned shadow space where the licit and illicit arms trade meld together, traditional state actors would rather not make their presence known. Many governments involved in these arms transfers maintain an attitude of denial. Even when providing arms to an opposition group is officially announced, the policy is frequently framed not as military action or intervention,

⁷ Maayeh, Suha and Sands, Phil. “Blinded by feuds, Syria’s southern rebels turn guns on one another”, *The National*, November 15, 2014, accessed May 19, 2015. <http://www.thenational.ae/world/syria/20141115/blinded-by-feuds-syrias-southern-rebels-turn-guns-on-one-another#full>

but “aid”.⁸

Derek Gregory provides an interesting way of looking at the dichotomy between wars of the global North and wars of the South. He categorizes the wars of the North as “Revolutions in Military Affairs” that are “construed as humane wars because they are fought within the space of the modern – the space of Reason, Science and Law” (Gregory 2010, 170). They emphasize specialized forces and new precision warfare. Meanwhile, the term “new war” is framed as inferior and messy, relying on non-state militias and concentrating violence on civilians. While the first type of war is considered virtuous, the second is criminalized, inviting intervention by the North.

Using this framework, the global North only considers itself a participant in the virtuous type of war, and keeps its distance from the ‘dirty’, criminal aspects of war such as arms trafficking. Though it may be covert, arming opposition groups is not portrayed as trafficking but rather “military aid” or “lethal aid” by the donor countries. Though it may go against international laws, sending weapons to rebels is not labeled illegal or an act of war. Yet a closer look shows that these transactions are an integral part of the war economy. In the end there can be no defining line between the messy civil war and the state actors that are contributing to it. They are completely intertwined in the chaos, yet unable to control anything beyond inputs to the system.

Why is the response to the intrastate conflict increasingly a form of militarization? Why not disarmament and other steps to limit the availability of weapons? The regulation of the arms trade has always necessarily been state centered, but given the interconnectedness of governments with the defense industry, this is akin to the ‘wolf guarding the hen house’ or

⁸ Newport, Frank. “Americans Disapprove of U.S. Decision to Arm Syrian Rebels”, *Gallup*, June 13, 2013, accessed May 19, 2015, <http://www.gallup.com/poll/163112/americans-disapprove-decision-arm-syrian-rebels.aspx>

to Wall Street regulating itself. Through the use of embargoes and treaties, states, along with international organizations appear to be part of the solution while still contributing to the creation of insecurity. What is truly needed is a global campaign to reverse the process of militarization and demand the destruction of all arms, not only nuclear and chemical weapons. While this ideal may be far in the future, small steps can be taken to limit production and destroy surplus arms.

Others have explored the history of Syria and the influence of the Iraq war in explaining how the conflict has become so protracted. This paper will focus on intervention through arms transfers, specifically looking at the territorial border states of Jordan and Turkey and the regional rivalry of Saudi and Qatar. The first chapter will show how national interests and ideological differences led these states to arm competing factions within Syria rather than utilizing a regional strategy to deal with the crisis. I will describe in detail the types of arms, origins and routes that have been used for the transfers, according to the best sources available. The routes of arms transfers are transnational, complex and covert, making them extremely difficult to track. They utilize brokers, transporters and other intermediaries who may all be from different countries than the source or destination of the arms. The networks used by governments feed into the same illicit economies that thrive in unstable environments and can therefore have radical unintended consequences. The second chapter will focus on how small arms flows have contributed to the transformation from revolution to civil war in Syria. Through militarization and the associated use of identity politics, regional intervention through arms has exacerbated the conflict and threatened to engulf neighboring areas. Chapter 3 explores the weaknesses of the current state-centered system of arms control, specifically embargoes and the new Arms Trade Treaty. These traditional arms control mechanisms are extremely limited in their effectiveness due to their reliance on

states for implementation and the lack of an international enforcement body. The final chapter addresses the related problem of surplus arms and the need to shift the focus to disarmament rather than re-armament. Disarmament could potentially have a positive impact, but thus far programs have been quite limited. Likewise, buyback programs show promise but tend to target larger or unconventional weapons rather than more common small arms. Destruction of surplus stocks and shrinking the defense industry are both imperative to prevent the continual spread of old weapons to new conflict zones.

The issue of arms transfers to Syria has implications for many other conflicts and is a reflection of the broader culture of militarism that rules foreign policy today. Similar patterns can currently be seen in the Ukraine, where Russia is arming rebels, Yemen, where Iran is arming Houthi rebels, and Sudan has been accused of arming a host of militant groups in central Africa.⁹ The list goes on. The practice is not new, but is becoming increasingly accepted as the status quo by the global community. This thesis will address potential consequences of this pattern and why current means of arms control have been unsuccessful at preventing it.

⁹ Grove, Thomas and Strobel, Warren. "Special Report: Where Ukraine's separatists get their weapons," Reuters, July 29, 2014, accessed May 19, 2015, <http://www.reuters.com/article/2014/07/29/us-ukraine-crisis-arms-specialreport-idUSKBN0FY0UA20140729>

Nissenbaum, Dion. "U.S. Moves to Stem Iran Arms Flow to Yemen," The Wall Street Journal, April 12, 2015, accessed May 19, 2015, <http://www.wsj.com/articles/u-s-wants-to-block-iran-from-arming-yemens-houthi-rebels-1428868461>

I. Chapter One: Arms Transfers in the Syrian Conflict

This chapter will address how small arms and light weapons (SALW) have been transported to Syria since the start of the revolution in early 2011. Although there are still arms coming to the Syrian government from Iran and Russia, I wish to highlight the other side of the conflict, namely the arming of opposition groups. Governments typically have stockpiles of weapons available at the outset of a conflict, making it less likely that an escalation of arms transfers to the state will occur (Moore 2012). Indeed, the Syrian government has accumulated a plethora of conventional and non-conventional weaponry since at least the Cold War era, making its current arms deals less consequential to the immediate situation.¹⁰

I will illustrate the global dimension of this conflict by highlighting black market smuggling routes across Syria's borders with Lebanon and Iraq, but I will be looking most closely at the borders of Jordan and Turkey, where the line between licit and illicit weapons transfers becomes very blurry. It is there that foreign governments have become integrally involved in shipments of SALW to Syrian opposition groups, acting to preserve their own geopolitical interests in a manner reminiscent of U.S.-Soviet proxy wars.

The patterns of these weapons flows will also shine a light on certain dynamics of the fighting itself and relations between opposition groups. There appear to be two dominant networks that have been supplying SALW to opposition groups: Saudi Arabia with U.S. and Jordanian support, and Qatar with Turkish and Libyan support. The two groups have tended to support rival militant factions but there is some crossover between them, notably by the United States. Jordan has been a reluctant but crucial actor, allowing the use of its territory

¹⁰ Reed, John. "Just How Deadly Is Assad's Arsenal?", *Foreign Policy*, July 16, 2012, accessed May 20, 2015, <http://foreignpolicy.com/2012/07/16/just-how-deadly-is-assads-arsenal/>

and border for making the transfers. The Libyan piece of the network is connected to previous alliances constructed during the Libyan civil war.

These trafficking patterns have led to the regionalization of the conflict and have contributed to the transformation in Syria from revolution to civil war due to the relationships between foreign networks along with external national interests. Three transformative mechanisms in this process -militarization, sectarianism, and fragmentation of the opposition- will be thoroughly discussed in Chapter 2. Although some of the states mentioned above readily admit to providing arms and funding to groups in Syria, several continue to deny or deflect the numerous reports of these transfers occurring. Due to the covert nature of the small arms trade I have relied mainly on news reports of alleged transfers and interviews of militants by journalists to determine the likely channels through which SALW have flowed to the conflict. In some cases there have also been official UN investigations and reports to uphold these findings.

A Multidimensional Proxy War

Emile Hokayem at the International Institute for Strategic Studies has explained the complexity of the Syrian conflict through the intersection of five distinct “fault lines” (Hokayem 2013). These include the breakdown between government and society, the struggle for dominance between Iran and Arab states, the Sunni-Shia divide, the rise of political Islamism opposed to secular groups, and the balance of minorities in multi-ethnic societies. Each of these fault lines gives rise to its own unique dynamics within the conflict and attracts the interest of foreign parties.

Charles Lister of the Brookings Institute recently identified at least eight distinct conflict fronts active across the country, between combinations of the following players: the

“opposition”, the regime, the Islamic State of Iraq and the Levant, Hezbollah, Kurdish forces, Jabhat al-Nusra, and eastern tribes.¹¹ Each of these factions could be subdivided much further, but they are all receiving military funding and support from different sources.

While the arms flows considered here are state funded and arranged, the sources and routes are multifaceted and private entities are relied on to complete the transactions. For each instance of arms transfers, there are many intermediaries between the sponsoring government and the rebels that receive them. For example, weapons may be sourced in one country, such as Croatia or Ukraine, the deal brokered by nationals from another state, flown to Jordan or Turkey by a cargo plane registered in a third state, and then finally transported across the border to Syria in trucks. The entire operation may be financed and directed by one country, but the route is clearly transnational and every middleman receives a slice of the pie. “Actors in illegal arms transfer activities may include corrupt government officials, dealers who buy and sell arms, arms brokers who facilitate contacts between potential buyers and sellers of weapons and who do not own the weapons being offered for sale, and persons involved in the transport and smuggling of the weapons” (Wezeman 2003, 24).

These kinds of operations are also difficult to define as strictly legal or illegal. Diversion often occurs, meaning that small arms are shifted from legal to illicit markets by being transferred to parties other than the intended recipients. Diversion can be intentional or not, but almost always involve government actors either through corruption or neglect (Stohl 2005). “Covert sales may be government-sponsored but nonetheless violate international law, defy UN arms embargoes or ignore national policies” (Stohl et al. 2007, 13).

¹¹ Lister, Charles. “The ‘Real’ Jabhat al-Nusra Appears to Be Emerging”, *The World Post*, August 7, 2014, accessed May 20, 2015, http://www.huffingtonpost.com/charles-lister/the-real-jabhat-al-nusra_b_5658039.html

A. Saudi Arabian Support

In February 2012, the Saudi Foreign Minister, Prince Saud al-Faisal was asked by the press what he thought about arming the Syrian rebels. He replied that he thought it was “an excellent idea”.¹² There were at that time already some allegations of Saudi Arabia sending arms or funding to opposition members, and in May 2012 the Guardian reported that they witnessed the transfer of rifles and ammunition to leaders of the Free Syrian Army (FSA) on the Turkish border.¹³

By October of that year the New York Times claimed that FSA fighters in Syria were talking openly about Saudi arms donations, although the kingdom had not yet officially acknowledged them.¹⁴ According to one rebel commander, the Saudis seemed to be focused on financing more secular groups. Around the same time, some Ukrainian ammunition was found in Aleppo and Croatian small arms started showing up in videos posted by rebels. Both could be traced to Saudi Arabia, the former having been clearly diverted from a sale to the kingdom and the latter having been flown from Croatia, possibly on Jordanian cargo planes.¹⁵

¹² al-Aswat, Asharq, “Syrian opposition praises Saudi FM position”, *al-Aswat*, February 25, 2012, accessed May 20, 2015, <http://www.aawsat.net/2012/02/article55243080>

¹³ “Saudi sends military equipment to Syria rebels: diplomat”, *Gulf News*, March 17, 2012, accessed May 20, 2015, <http://gulfnews.com/news/gulf/saudi-arabia/saudi-sends-military-equipment-to-syria-rebels-diplomat-1.995918#.T2TRmZtck9M.twitter>
Chulov, Martin et al. “Saudi Arabia plans to fund Syria rebel army”, *The Guardian*, June 22, 2012, accessed May 20, 2015, <http://www.theguardian.com/world/2012/jun/22/saudi-arabia-syria-rebel-army>

¹⁴ Worth, Robert F. “Citing U.S. Fears, Arab Allies Limit Syrian Rebel Aid”, *The New York Times*, October 6, 2012, accessed May 20, 2015, <http://www.nytimes.com/2012/10/07/world/middleeast/citing-us-fears-arab-allies-limit-aid-to-syrian-rebels.html?hpw>

¹⁵ “‘Saudi weapons' seen at Syria rebel base”, *BBC*, October 8, 2012, accessed January 3, 2015, <http://www.bbc.com/news/world-middle-east-19874256>

Chivers, C.J., “What a Crate in Syria Says About Saudi Help to the Rebels”, *The New York Times*, October 11, 2012, accessed January 5, 2015, <http://atwar.blogs.nytimes.com/2012/10/11/what-a-crate-in-syria-says-about-saudi-help-to-the-rebels>
Chivers, C.J. and Schmitt, Eric, “Saudis Step Up Help for Rebels in Syria With Croatian Arms”, *The New York*

In August 2013, Jordan agreed to allow Saudi Arabia to send a new class of weapon through its borders: Russian made anti-tank missiles called Konkurs.¹⁶ These missiles were a step up from the small arms that had so far been transferred to southern opposition groups. Konkurs were soon followed by Saudi Arabian promises of Chinese made anti-aircraft missiles and permission was given by Jordanian authorities following the failure of Geneva II negotiations in early 2014.

Taken altogether, these news reports from early 2012 through 2014 describe SALW and ammunition from a variety of sources and several different paths of transfer. The original sources identified so far are Russia, Ukraine, China and Croatia, which has a surplus of small arms left over from the Balkans wars in the 1990s. Among the weapons described in these reports are Kalashnikovs, Yugoslav-made recoilless guns, assault rifles, grenade launchers, machine guns, mortars, shoulder fired rockets and finally Russian anti-tank missiles (Konkurs) and Chinese made anti-aircraft missiles.¹⁷

The shipments that Saudi Arabia has allegedly financed have travelled to Syria primarily through the Jordan, although some have also crossed over the Turkish and Lebanese borders. In early 2012 the path through Turkey was used to bring some material to the FSA and Ukrainian arms showed up from across the Lebanese border in March 2013. Convincing the Jordanian government to allow these arms shipments to cross the border was a struggle for the Saudi government in the beginning and has continued to be an obstacle throughout the

Times, February 25, 2013, accessed January 7, 2015, <http://www.nytimes.com/2013/02/26/world/middleeast/in-shift-saudis-are-said-to-arm-rebels-in-syria.html>

¹⁶ Al-Khalidi, Suleiman, “New Saudi-supplied missiles boost rebels in south Syria”, *Reuters*, August 15, 2013, accessed January 5, 2015, <http://www.reuters.com/article/2013/08/15/us-syria-crisis-arms-idUSBRE97E0QH20130815>

¹⁷ Chulov, Martin et al. “Saudi Arabia plans to fund Syria rebel army”, *The Guardian*, June 22, 2012, accessed May 20, 2015, <http://www.theguardian.com/world/2012/jun/22/saudi-arabia-syria-rebel-army>

war. In April 2013 Jordan partially acquiesced and soon there were reports of Croatian and Yugoslavian stocks as well as Russian Konkurs. One of the reasons for transferring weapons of Russian or Soviet models is that it allows the fighters to more easily integrate them with the equipment captured from the Syrian army that they are already using.¹⁸

According to the available reports Saudi weapons were provided chiefly to FSA aligned groups, including the Southern Front and the Syrian Revolutionaries Front. A Carter Center report states that the kingdom also tends to favor the brigades of the Syrian Islamic Liberation Front, which is described as more moderate than the Islamic Front (The Carter Center 2014). Saudi Arabia has provided arms in the south in coordination with the center in Jordan known as the Military Operations Command. Jordan and U.S. intelligence have been working in concert there since at least 2013 although Jordan publicly denies the existence of the center.¹⁹

There may be one important exception to the recipients of Saudi weapons: the militant group called Jaish al-Islam (JAI). JAI is a member of the Islamic Front based just east of Damascus and was created through a merger of 43 brigades in September 2013. Shortly thereafter Saudi Arabia announced its intention to provide millions of dollars to train and arm JAI as a counter to Jabhat al-Nusra.²⁰ It was recently reported that this Islamist and Salafist militia is on the front lines of the fight for Damascus. “On the day that the Saudi King, Abdullah, died, the Saudi proxy force in Syria — Zahran Alloush’s Jaish al-Islam —

¹⁸ Cloud, David and Abdulrahim, Raja, “U.S. has secretly provided arms training to Syria rebels since 2012”, *Los Angeles Times*, June 21, 2013, accessed May 20, 2015, <http://articles.latimes.com/2013/jun/21/world/la-fg-cia-syria-20130622>

¹⁹ Hubbard, Ben, “Warily, Jordan Assists Rebels in Syrian War” *New York Times*, April 10, 2014, accessed May 20, 2015, <http://www.nytimes.com/2014/04/11/world/middleeast/syria.html>

²⁰ Black, Ian, “Syria crisis: Saudi Arabia to spend millions to train new rebel force,” *The Guardian*, November 7, 2013, accessed January 10, 2015, <http://www.theguardian.com/world/2013/nov/07/syria-crisis-saudi-arabia-spend-millions-new-rebel-force>

fired rockets into Damascus. Alloush had announced on Twitter that he would “shower the capital with hundreds of rockets a day in response to the regime’s barbaric air strikes on Ghouta”.”²¹

It is also worth noting that in December 2013, Saudi Arabia placed an order for approximately 15,000 U.S. TOW anti-tank missiles, about three times as many as their current stock.²² Analysts speculate that they could be needed to replace the missiles being transferred to Syrian rebels, although they are not technically allowed to give the new U.S. weapons directly to Syrians because of strict transfer laws.²³

Rivalry with Iran

One of the most obvious explanations for the support that Saudi Arabia has given to Syrian rebels is their long-standing rivalry with Iran. The apparent religious divide between the Sunni-majority Saudis and the Shia-majority Iranians is usually portrayed as the cause of their disharmony, but it is more likely that their real differences are primarily political.

Before the Iranian revolution in 1979, the two countries had more interests in common than not. With the Shah in power, both countries were keen to counter “radical” socialist and nationalist influences in the region, and were exporting their oil and gas to similar trading partners (Furtig 2007). “Everything changed for the Saudis in 1979. The Iranian revolution was a greater threat to the Saudis than the Nasserite movement of 1952...because the Iranian

²¹ Prashad, Vijay, “The architects of West Asia’s chaos,” *The Hindu*, February 3, 2015, accessed March 30, 2015, <http://www.thehindu.com/opinion/lead/lead-article-the-architects-of-west-asias-chaos/article6849480.ece>

²² “Trade Registers”, *SIPRI*, accessed May 1, 2015, http://armstrade.sipri.org/armstrade/page/trade_register.php

²³ Kenner, David, “Why Is Saudi Arabia Buying 15,000 U.S. Anti-Tank Missiles for a War It Will Never Fight?,” *Foreign Policy*, December 12, 2013, accessed May 1, 2015, <http://foreignpolicy.com/2013/12/12/why-is-saudi-arabia-buying-15000-u-s-anti-tank-missiles-for-a-war-it-will-never-fight/>

revolution could not be called secular (Prashad 2015). Prashad believes that overthrowing the Shah of Iran (a monarch) was a direct ideological threat to the kingdom of Saudi Arabia. “The problem isn’t Shia-Sunni. It’s Muslim monarchy vs. Muslim republic” (Prashad 2015).

It is difficult to make the case that the differences between Saudi Arabia and Iran are of a purely religious nature. There are instances of inter-sectarian cooperation, for example the sympathies between Hezbollah and Hamas. “What initially appears as a Sunni-Shi’a split may in fact be a pattern of alliance making with motives far less sectarian in nature. The split not only coincides with the divide between pro- and anti-US orientations, but it also nicely complies with a classic balance of power logic, according to which other regional states will ally in order to balance a rising regional power, Shi’a or not” (Morten et al. 2007, 6).

Whether the reason is political, religious or a little bit of both, identity politics have come to reign over the Syrian conflict as the (mostly) Sunni rebels are supported by the Gulf states against the minority Alawi regime. Hokayem and many others assert that Saudi Arabia has sought to limit the influence of Iran in the Levant by undermining President Assad. “Damascus was seen as the prime enabler of Iranian influence in the Levant and, as an Arab state, an embarrassing irritant to self-proclaimed Saudi leadership of the Arab world” (Hokayem 2013, 108).

There is also the issue of Syria’s suspected role in the 2005 assassination of Rafiq Hariri, former Lebanese prime minister and leader of the March 14th coalition. Hariri had dual Saudi-Lebanese citizenship and was very close to the royal family.²⁴ Saudi Arabia has maintained its connection with the March 14th group, which supports the opposition in Syria

²⁴ Gambill, Gary, and Abdelnour, Ziad, “Dossier: Rafiq Hariri Prime Minister of Lebanon,” *Middle East Intelligence Bulletin*, July 2001, accessed March 30, 2015, http://www.meforum.org/meib/articles/0107_ld1.htm

as a counterweight to the Iranian-influenced Hezbollah forces. Zambelis writes: “Saudi Arabia in particular saw the uprising in Syria as an opportunity to undermine the Hezbollah-led March 8 coalition in Lebanon while strengthening the March 14 coalition headed by the Sunni-led Future Movement” (Zambelis 2013, 10).

While Saudi Arabia may have a special rivalry with Iran, limiting Iranian influence is a common goal shared by many if not all of the states in the Gulf Cooperation Council. According to Angela Joya, the Gulf states “share with the U.S. and Britain the common goal of neutralizing Iran as a potential nuclear power that could shift the ‘balance of power’” against the Sunni ruled states of the Gulf” (Joya 2012, 37).

Fear of blowback

Apart from the antagonism toward Iran, another serious concern for Saudi leaders is the threat of domestic instability. Maintaining control over a population that for the most part does not identify with their Wahhabi doctrine is becoming more of a challenge (Khashan 2014). For this reason, there has been a measure of caution used when determining which groups should receive Saudi funded military support. Many of the jihadi oriented militant groups fighting for the opposition would present a threat to the kingdom if their ideology were to spread. “While born of the same Salafist ideology as the kingdom's own Wahhabist brand of Islam, these jihadist groups claim a purity of motive and a deadly modus operandi that endangers the House of Saud” (Khashan 2014).

This is why the Saudi government has tried to concentrate its financial and material support on the FSA and more secular groups. They would like to prevent Jabhat al-Nusra and the Islamic State of Iraq and the Levant (ISIL) from getting too close to Jordan, or

infiltrating the Saudi kingdom itself through the return of foreign fighters. Speaking to the latter point, "King Abdullah and his government in Saudi Arabia have warned their subjects against traveling to Syria to wage jihad and have forbidden citizens to send money to Syrian groups".²⁵ A member of the religious authority also issued a fatwa in 2012 forbidding jihad in Syria, but not ruling out other kinds of support for the opposition.²⁶

A key point to note is that although the government of Saudi Arabia may avoid supporting groups like Jabhat al-Nusra directly, there are well established networks of businessmen within the country and surrounding Gulf states that have been quite successful at funneling support to these groups (Munif 2014).

US coordination

Another factor that impacts the Saudi support to the opposition is their close coordination with the United States. There are command centers set up in both Turkey and Jordan that have CIA personnel present in order to monitor the situation and vet rebel groups before they receive arms.²⁷ ²⁸ There is a prevalent assumption among regional actors that the U.S. controls all military equipment entering Syria from those two borders.²⁹ However,

²⁵ Gilbert, Ben, "Saudi Arabia walks a fine line in backing Syrian rebellion," *Al Jazeera*, January 20, 2014, accessed May 20, 2015, <http://america.aljazeera.com/articles/2014/1/20/saudi-arabia-walksafinelinkinbackingsyriarebellion.html>

²⁶ "Saudi religious authority forbids 'jihad' in Syria," *Al-Akhbar*, June 7, 2012, accessed May 20, 2015, <http://english.al-akhbar.com/node/8198>

²⁷ Chivers, C.J. and Schmitt, Eric, "Saudis Step Up Help for Rebels in Syria With Croatian Arms", *The New York Times*, February 25, 2013, accessed January 7, 2015, <http://www.nytimes.com/2013/02/26/world/middleeast/in-shift-saudis-are-said-to-arm-rebels-in-syria.html>

²⁸ Schmitt, Eric, "C.I.A. Said to Aid in Steering Arms to Syrian Opposition", *The New York Times*, June 21, 2012, accessed May 20, 2015, <http://www.nytimes.com/2012/06/21/world/middleeast/cia-said-to-aid-in-steering-arms-to-syrian-rebels.html>

²⁹ Khashan, Hilal. In discussion with the author, November 27, 2014.

the extent of American control of is impossible to ascertain and it is likely that smuggling networks would remain strong regardless of U.S. presence along the Turkish and Jordanian borders.

One of the central concerns for the U.S. has been to prevent larger weapons, particularly shoulder-fired anti-aircraft missiles (known as MANPADs), from entering the country and potentially ending up in the hands of anti-American militants. For the first two or three years of the conflict, Saudi leaders acquiesced to U.S. wishes on this matter and only in 2014 did they begin to talk about providing anti-aircraft missiles to certain groups.

Along with the drive to arm the opposition and the restraint to prevent certain arms from reaching more radical groups, there is also the possibility that Saudi leaders would not actually prefer a complete regime change in Syria. It may be more advantageous for them to have a weaker but well-known enemy than the unknown factions that could come into power if the Assad regime were to fall. In addition, keeping trade routes open through Syria to the Arabian Peninsula is likely to be very important to them.³⁰

"While Saudi Arabia has maintained an uncompromising diplomatic posture toward Damascus, the realization has started to set in in Riyadh that the Ba'athist regime has proven far more resilient and capable than initially believed" (Zambelis 2013, 11).

B. Qatari Support

The small gulf kingdom of Qatar, home to just over 2 million people, has played a very significant role in arming the Syrian opposition. In March 2012, at the same time that local military councils began to be formed, then prime minister Hamad bin Jassim bin Jaber bin Muhammad Al Thani declared his intention to help support the opposition "by all means,

³⁰ Ibid.

including giving them weapons”.³¹ In mid-May reports started flowing in of the FSA securing Qatari funded arms, although the government maintained an official position of denial. By 2013 it was clear that, like Saudi Arabia, Qatar was arranging shipments of SALW to Syria through many different pathways.

In late 2012 there were accounts of Qatar providing and distributing arms through the March 14th camp in Lebanon, then smuggled across the Syrian border.³² The same newspaper confirmed the presence of French and British intelligence officers coordinating those arms transfers. A second supply route was revealed in 2013 by a Lebanese journalist: “The weapons are purchased mainly from Eastern Europe by arms brokers based in Britain and France, and are flown from Qatar to Ankara and then trucked to Syria”.³³ This was backed up by a SIPRI researcher who confirmed that 90 military cargo planes were flown from Qatar to Turkey during 2012. A third alleged source of weapons purchased by Qatar is Sudan, which has its own state-run arms production operation. Reports of Sudanese and Chinese weapons being sold to Qatar and transported from to Turkey were confirmed by Western officials and Syrian rebels.³⁴ It is likely that Croatia has also been used as a source country in the Qatar-Turkey-Syria route.³⁵ The last but possibly most frequent source used

³¹ Chulov, Martin, “Qatar crosses the Syrian Rubicon: £63m to buy weapons for the rebels,” *The Guardian*, March 1, 2012, accessed April 13, 2015 http://www.theguardian.com/world/2012/mar/01/syria-conflict-rebels-qatar-weapons?CMP=tw_t_gu

³² ““Ad-Diyar” Lebanese daily revealed Monday that “security sources confirmed recently that the flow of arms to Lebanon is very high.”,” *Alahed News*, September 24, 2012, accessed May 20, 2015, <http://www.english.alahednews.com.lb/essaydetails.php?eid=21065&cid=385#.VHNHCKsjZBU>

³³ Bakr, Amena, “Qatar, CIA tighten coordination of arms flows,” *The Daily Star*, May 15, 2013, accessed March 30, 2015, <http://www.dailystar.com.lb/News/Middle-East/2013/May-15/217113-qatar-cia-tighten-coordination-of-arms-flows.ashx#axzz2TKmvlIOM>

³⁴ Chivers, C.J. and Schmitt, Eric, “Arms Shipments Seen From Sudan to Syria Rebels,” *The New York Times*, August 12, 2013, accessed May 20, 2015 <http://www.nytimes.com/2013/08/13/world/africa/arms-shipments-seen-from-sudan-to-syria-rebels.html>

³⁵ Blair, David and Spencer, Richard, “How Qatar is funding the rise of Islamist extremists,” *The Telegraph*, September 20, 2014, accessed May 20, 2015,

by Qatar has been Libya. With the fall of the Gaddafi regime came the looting of his extensive weapons arsenals that he had accumulated for the past [50] years or so. There have been many accounts of shipments from Libya to Syria, the majority of which were flights financed by Qatar from Libya to Turkey.³⁶

In contrast to Saudi Arabia, Qatar chose to work primarily through Turkey to supply rebel brigades in the north of Syria. The result of this has been that while Saudi Arabia supported mainly regime defectors and some Salafist groups, Qatar veered toward more Islamist factions, particularly those associated with the Muslim Brotherhood such as Liwa al-Tawhid (Hokayem 2013). To put it simply, "Saudi Arabia has avoided funding Brotherhood elements, whereas Qatar has not" (McCants et al. 2013, 6).

Liwa al-Tawhid, also known as al-Tawhid Brigade, was originally a member of the FSA but joined the Islamic Front due to frustrations with leadership and funding (Munif 2014). The Islamic Front formed in November 2013 in protest against western backed political opposition, and is somewhat hostile to the FSA. It remains one of the most powerful alliances within the opposition³⁷.

Qatar has reportedly channeled weapons to another militant group under the Islamic Front banner, called Ahrar al-Sham, which has been known to fight in coordination with

<http://www.telegraph.co.uk/news/worldnews/middleeast/qatar/11110931/How-Qatar-is-funding-the-rise-of-Islamist-extremists.html>

³⁶ Mazzetti, Mark et al. Taking Outsize Role in Syria, Qatar Funnels Arms to Rebels," *The New York Times*, June 29, 2013, accessed May 20, 2015, <http://www.nytimes.com/2013/06/30/world/middleeast/sending-missiles-to-syrian-rebels-qatar-muscles-in.html>

³⁷ Lister, Charles, "The anti-Jihadist Revolt in Syria," *Brookings Institute*, January 19, 2014, accessed March 3, 2015, <http://www.brookings.edu/research/opinions/2014/01/19-anti-jihadist-revolt-syria-lister#>

Jabhat al-Nusra, an al-Qaeda linked group.³⁸ However, Ahrar al-Sham also receives substantial funding from Kuwait.³⁹

Rivalry with Saudi Arabia

Qatar has much in common with Saudi Arabia and the two countries may appear to be working together by supporting the Syrian opposition. Beneath the surface, however, there is “a deeper rivalry for regional influence that is being played out in parallel with the broader, multi-dimensional proxy battle that has come to embody Syria’s civil war” (The Carter Center 2014, 22). Even within the FSA, Qatar and Saudi Arabia have competed by supporting different factions (Hokayem 2013).

Part of this rivalry stems from their different attitudes toward the Muslim Brotherhood (MB). As mentioned above in relation to Iran, Saudi Arabia fears any model that could challenge their monarchy. First, the MB presents a religious model that can compete with Wahabbism because it’s not quite as harsh and strict.⁴⁰ Secondly, the Brotherhood presents a political challenge through its grassroots organization. “The Wahabbist and Salafist principles that serve as the foundation of Saudi Arabia’s legitimacy, especially as they relate to the unquestioned loyalty demanded by its rulers, was inherently threatened by the activist-oriented approach to politics advocated by the Muslim Brotherhood” (Zambelis 2013, 12).

³⁸ Blair, David and Spencer, Richard, “How Qatar is funding the rise of Islamist extremists,” see footnote 36.

³⁹ Abouzeid, Rania, “Syria’s Secular and Islamist Rebels: Who Are the Saudis and the Qataris Arming?,” *Time Magazine*, September 18, 2012, accessed May 20, 2015, <http://world.time.com/2012/09/18/syrias-secular-and-islamist-rebels-who-are-the-saudis-and-the-qataris-arming/>

⁴⁰ Khashan, Hilal. In discussion with the author, November 27, 2014.

Qatar doesn't share the same fears of the Brotherhood as its larger neighbor. Although Qatar also enjoys a monarchical political system, a substantial portion of their population is made up of foreign nationals, making the likelihood of a popular uprising very small (Zamabelis 2013). On the other hand, Qatar is following in the footsteps of Saudi Arabia by cultivating strong alliances with Western states, particularly the U.S., who are more than willing to build up their military capabilities by selling them advanced weaponry. With this newfound power, "Qatar and the United Arab Emirates have emerged as activist states in their interest and willingness to intervene both militarily and financially in the politics of neighbouring Arab states" (Young 2013, 5).

Part of a Larger Strategy

Syria has not been an isolated intervention for Qatar. When we look at their participation in Egypt and Libya especially, it becomes clear that arming Syrian rebels was part of a larger strategy to secure their own survival by supporting potential emerging leaders. "In contrast [to Saudi Arabia], Qatar viewed the wave of uprisings as a chance to enhance its regional posture and expand its influence globally" (Zambelis 2013, 11).

Libya is by far the most interesting state used to export weapons for rebels because it reveals how Syria is just one part of Qatar's larger strategy of regional intervention. Qatar was the only Arab supporter of the NATO led intervention to oust Gaddafi in 2011, and they did more than their share of arming and funding the Libyan opposition at that time. Early on in the uprising, the Obama administration approved Qatar's request to begin shipping and selling arms to the rebel alliance in Libya, so long as they were not U.S. weapons.⁴¹ At that

⁴¹ Risen, James et al. "U.S.-Approved Arms for Libya Rebels Fell Into Jihadis' Hands," *The New York Times*, December 5, 2012, accessed January 10, 2015, <http://www.nytimes.com/2012/12/06/world/africa/weapons-sent-to-libyan-rebels-with-us-approval-fell-into-islamist-hands.html>

time Qatar relied mostly on Russian and French weapons. Soon after, the U.S. became concerned with reports that arms were going to groups that were considered hard line Islamists, and that the U.S. had very little control over who was receiving these weapons.

The elements of the Libyan opposition that Qatar was arming are of the same ideological makeup as the groups it chose to support in Syria and in Egypt. Prashad draws parallels between Saudi-Qatar tensions in Libya, Egypt and Syria, suggesting that Saudi Arabia helped finance the overthrow of Morsi (MB) in Egypt and is supporting opposite factions in Libya in order to minimize the Brotherhood's role.⁴² Qatar's strategy in those three countries was also deeply connected. Before the Arab Spring Qatar was one of Assad's strongest allies (Hokayem 2013). The kingdom made the decision to drastically cut ties with Syria and began funneling arms to the opposition while they were in the midst of the Libya intervention (Bali et al. 2012).⁴³

Qatar is not only arming similar types of militias in Syria, they are probably using the same arms pipelines to do it. "One former senior Obama administration familiar with the transfers said the Qatari government built relationships with Libyan militias in 2011".⁴⁴ According to a UN report concerning the violation of the arms embargo to and from Libya, arms and ammunition from Libya were among the first shipments of weapons to be transferred to the Syrian opposition (Security Council 2014[1], 42). The Panel of Experts is

⁴² Prashad, Vijay. Interview with Amy Goodman. "Libya in Chaos: Vijay Prashad on Rise of Islamist Militias & Bloody Legacy of 2011 U.S. Intervention," *Democracy Now*, August 25, 2014, accessed March 30, 2015, http://www.democracynow.org/blog/2014/8/25/libya_in_chaos_vijay_prashad_on

⁴³ Bakr, Amena and Karouny, Mariam, "Qatar, allies tighten coordination of arms flows to Syria," *Reuters*, May 14, 2013, accessed January 30, 2015, <http://www.reuters.com/article/2013/05/14/us-syria-qatar-support-idUSBRE94D0GT20130514>

⁴⁴ Chivers, C.J. et al. "In Turnabout, Syria Rebels Get Libyan Weapons," *The New York Times*, June 21, 2013, accessed May 20, 2015, <http://www.nytimes.com/2013/06/22/world/africa/in-a-turnabout-syria-rebels-get-libyan-weapons.html>

currently still investigating Qatar's alleged involvement in these transfers, but it does acknowledge that: "Qatar was a strong supporter of the Libyan revolution, to which it provided significant quantities of military materiel (S/2013/99, paras. 62- 73). The authorities may have used this relationship to acquire materiel to be transferred to the Syrian opposition" (Security Council 2014[1], 48).

The flow of Libyan weapons to Syria

In addition to Qatari financed transfers, there have been several instances of arms deliveries from Libya to the Syrian opposition that may have been coordinated without additional state support. The lack of security following the overthrow of Gaddafi left state weapons arsenals open to looting by any enterprising groups or individuals. Libyan arms have since been spread to conflict zones all over northern Africa as well as farther destinations like Syria (Security Council 2014[1]).

Libyan weapons were readily available for export beginning in 2011, and Syrian rebels wasted no time in making connections to potential suppliers. In the spring of that year, Syrian National Council (SNC) representatives visited Libya to ask for arms support directly.⁴⁵ In return, the leader of the Tripoli Military Council flew to Turkey to meet with FSA members in November 2011. This communication between Libyan and Syrian opposition groups reflects a strong sense of solidarity that existed throughout the Arab Spring revolutions. In this particular case there was an even stronger connection because Assad was known to have sent weapons and support to Gaddafi at the beginning of the Libyan revolution.

⁴⁵ Sherlock, Ruth, "Libya's new rulers offer weapons to Syrian rebels," *The Telegraph*, November 25, 2011, accessed January 10, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/8917265/Libyas-new-rulers-offer-weapons-to-Syrian-rebels.html>

In September 2012, an FSA member claimed that a large delivery of weapons was received in Turkey on a Libyan ship called The Intisaar.⁴⁶ According to the Times, the arms received in that shipment included shoulder-fired SAM-7 surface-to-air anti-aircraft missiles and rocket-propelled grenades (RPGs). A UN investigation into these allegations was not able to confirm the cargo of The Intisaar because the ship manifest listed only humanitarian items (Security Council 2013). The delivery was cosigned by the Humanitarian Relief Foundation (IHH), an Islamic relief organization based in Turkey that has been accused of arms trafficking on separate occasions. If the Times' reporting is correct, this would be a very typical example of arms smuggling.

According to an international cargo shipper, there were almost weekly shipments from Libya to Syria in 2012, leaving from both Misrata and Benghazi. "The size of the arms cargo varied, but some of his ships carried in excess of 600 tons of weapons".⁴⁷ The ships described by this source were headed to Lebanon or Turkey to be offloaded and transported to Syria, but after one ship was blocked by the Lebanese government, traffickers began switching to chartered planes.⁴⁸

A UN investigation into the Libyan arms embargo did manage to confirm the cargo of that ship, named Letfallah II, which was seized by Lebanese authorities on April 27, 2012 (Security Council 2013). Letfallah was registered to and flying the flag of Sierra Leone. The panel confirmed that the cargo seized on this ship consisted of Libyan weapons headed to

⁴⁶ Frenkel, Sheera, "Syrian rebels squabble over weapons as biggest shipload arrives from Libya," *The Times*, September 14, 2012, accessed May 20, 2015, <http://www.thetimes.co.uk/tto/news/world/middleeast/article3537770.ece>

⁴⁷ Housley, Adam, "Arms shipments traveled from Libya to anti-Assad fighters, sources say," *Fox News*, December 6, 2012, accessed May 20, 2015, <http://www.foxnews.com/politics/2012/12/06/arms-shipments-traveled-from-libya-to-anti-assad-fighters-sources-say/>

⁴⁸ Donati, Jessica et al. "The Adventures of a Libyan Weapons Dealer in Syria", *Reuters*, June 18, 2013, accessed March 15, 2015, <http://www.reuters.com/article/2013/06/18/us-libya-syria-idUSBRE95H0WC20130618>

Tripoli, Lebanon. "Among the arms inspected by the Panel, advanced weapons systems and components were found, including SA-24 short range surface-to-air missiles and SA-7b man-portable air defense systems, anti-tank guided missiles (Metis-M, Konkurs-M and MILAN) and various types of small, light and heavy weapons and ammunition" (Security Council 2013). A Lebanese investigation came to the conclusion that the shipment had been initiated and financed by Syrian citizens (Security Council 2014[1]).

While no link to Qatar was presented by the UN or Lebanese investigations, the possibility of their involvement has not been ruled out. Franklin Lamb, director of the NGO Americans Concerned for Middle East Peace, remarked, "We know that Qatar and Saudi Arabia control five warehouses in the area of Benghazi. So the great suspicion is that the intercepted arms are from those left over from the Libya campaign."⁴⁹ In June 2012, The Telegraph reported from diplomatic sources that "Libyan-supplied weapons, paid for by Saudi Arabia and Qatari government funds and private donations, had already been stockpiled in anticipation of the "inevitable" intervention needed to end the Assad regime".⁵⁰

C. American Support

The Obama administration has been talking about supporting the Syrian opposition since very early in the conflict. Many analysts argue that there has been too much talk and

⁴⁹ "Hide-and-ship: Did the US know Libyan weapons were en route to Syrian rebels?," *RT*, April 29, 2012, accessed January 10, 2015, <http://rt.com/news/lebanon-ship-syria-usa-284/>

⁵⁰ Foster, Peter and Ruth Sherlock, "US holds high-level talks with Syrian rebels seeking weapons in Washington," *The Telegraph*, June 15, 2012, accessed May 20, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/9334707/US-holds-high-level-talks-with-Syrian-rebels-seeking-weapons-in-Washington.html>

not enough action.⁵¹ Some even suggest that the rise of ISIL and the protracted stalemate between Assad and the opposition can be attributed to Obama's policies. It is true that he has acted more cautiously than other presidents might have, but the actions of the United States in the Syrian conflict should not be understated. While American influence may be waning economically and politically, it is still the global leader in terms of military capacity, weapons production, and intelligence.

In June 2012 U.S. defense secretary Leon Panetta stated that Washington was not playing a direct role in arms transfers into Syria. "We made a decision not to provide lethal assistance at this point. I know others have made their own decisions."⁵² At the same time, the FSA was meeting with State Department officials to present a list of weaponry they hoped would be provided by the U.S. or their allies.⁵³ The U.S. agreed only to help coordinate assistance to the rebels, and offered \$15million in non-lethal aid but still claimed that they would not provide weaponry.⁵⁴

During the same month it became known that the CIA had been operating on the Turkish border for several weeks, helping to vet opposition fighters and determine who received arms.⁵⁵ A similar command center was also set up in Jordan.⁵⁶ In May 2013, a

⁵¹ Hamid, Shadi, "Why the Current Syria Policy Doesn't Make Sense," *The Atlantic*, June 17, 2013, accessed may 21, 2015, <http://www.theatlantic.com/international/archive/2013/06/why-the-current-syria-policy-doesnt-make-sense/276922>

⁵² Chulov, Marin and Ewen MacAskill, "Saudi Arabia plans to fund Syria rebel army," *The Guardian*, June 22, 2012, accessed may 20, 2015, <http://www.theguardian.com/world/2012/jun/22/saudi-arabia-syria-rebel-army>

⁵³ Foster, Peter and Ruth Sherlock, "US holds high-level talks..", See footnote 51.

⁵⁴ Schmitt, Eric, "C.I.A. Said to Aid in Steering Arms to Syrian Opposition", See footnote 29.

⁵⁵ Ibid.

⁵⁶ Abi-Habib, Maria, "Saudis Agree to Provide Syrian Rebels With Mobile Antiaircraft Missiles," *The Wall Street Journal*, February 14, 2014, accessed May 21, 2015, <http://www.wsj.com/articles/SB10001424052702304703804579382974196840680>

Qatari official acknowledged that Qatari arms shipments were being tightly coordinated with the CIA: “Today, Qatari shipments have resumed with tighter controls exerted from the palace of Qatar’s emir, Sheikh Hamad bin Khalifa al-Thani, in consultation with the U.S. Central Intelligence Agency”.⁵⁷ So although the U.S. maintained deniability about providing lethal aid, the CIA and State Department were very well informed and attempted to control the flow of arms into Syria.

In early 2013 the White House was considering providing more military related assistance, including training.⁵⁸ A few months later information surfaced indicating that the CIA and other U.S. Special Operations forces had already been training FSA members in Turkey and Jordan since late 2012.⁵⁹ Those rebel forces were reportedly being trained to use anti-tank and anti-aircraft weapons, which are the types that the administration had been most wary of providing.

In June 2013, after coming to the conclusion that the Assad regime had indeed used chemical weapons on the population, Obama finally announced that the U.S. would begin to provide military support, training, and possibly anti-tank weapons to the Supreme Military Council (SMC).⁶⁰ Funding for this assistance was approved sometime in December or January through classified sections of Defense appropriations legislation.⁶¹

⁵⁷ Bakr, Amena, and Mariam Karounyl, “Qatar, CIA tighten coordination of arms flows,” *The Daily Star*, May 15, 2013, accessed November 12, 2014, <http://www.dailystar.com.lb/News/Middle-East/2013/May-15/217113-qatar-cia-tighten-coordination-of-arms-flows.ashx#axzz2TKmvliOm>

⁵⁸ “US to bolster support for Syrian rebels,” *Al Jazeera*, February 28, 2013, accessed may 20, 2015, <http://www.aljazeera.com/news/middleeast/2013/02/20132276711736987.html>

⁵⁹ Cloud, David and Abdulrahim, Raja, “U.S. has secretly provided arms..”, See footnote 19.

⁶⁰ “US says it will give military aid to Syria rebels,” *BBC*, June 14, 2013, accessed may 21, 2015, <http://www.bbc.com/news/world-us-canada-22899289>

⁶¹ Hosenball, Mark. “Congress secretly approves U.S. weapons flow to ‘moderate’ Syrian rebels”, Reuters, January 27, 2014, accessed May 21, 2015, <http://www.reuters.com/article/2014/01/27/us-usa-syria-rebels-idUSBREA0Q1S320140127>

By September, the CIA had begun distributing light weapons and munitions to the SMC headed by General Salim Idriss.⁶² In April 2014, U.S. made BGM-71 TOW anti-tank missiles began showing up in YouTube videos of Syrian rebels, leading analysts to believe that they had been provided directly by the U.S..⁶³ It is worth noting for a second time that Saudi Arabia put in an order for 10,000 of the same BGM-71 TOW missiles at the end of 2013 (SIPRI).

The Iranian FARS news agency has claimed that the U.S. began sending military equipment and weapons from Kandahar base in Afghanistan directly to rebels in Syria, as they began the withdrawal of American troops from the country.⁶⁴ According to the Iranian source, the material was sent to Jordan on Polish cargo planes and included "anti-armor and missile systems, rocket-launchers and rockets and tens of armored Humvees".⁶⁵

In August 2013, Obama told senators that the first 50-man cell of trained fighters was on its way from Jordan to Syria.⁶⁶ The CIA program in Jordan provided training in groups of about 40 soldiers and gave \$500 to each graduate. "Weapons instruction was at the heart of the programme. Recruits were trained on Kalashnikovs, light machine guns,

⁶² Londono, Ernesto and Greg Miller, "CIA begins weapons delivery to Syrian rebels," *The Washington Post*, September 11, 2013, accessed May 21, 2015, http://www.washingtonpost.com/world/national-security/cia-begins-weapons-delivery-to-syrian-rebels/2013/09/11/9fcf2ed8-1b0c-11e3-a628-7e6dde8f889d_story.html

⁶³ "US reportedly starts supplying Syrian rebels with anti-tank weapons," *RT*, April 7, 2014, accessed May 21, 2015, <http://rt.com/usa/us-syria-moderate-opposition-weapons-921/>

⁶⁴ "US Sends Two Planeloads of Heavy Arms to Syrian Rebels from Afghanistan," *FARS News*, June 29, 2013, accessed May 21, 2015, <http://english.farsnews.com/newstext.aspx?nn=13920408000034>

⁶⁵ Abi-Habib, Maria, Saudis Agree to Provide Syrian Rebels With Mobile Anti-aircraft Missiles," See footnote 57.

⁶⁶ Sanchez, Raf, "First Syria rebels armed and trained by CIA 'on way to battlefield'," *The Telegraph*, September 3, 2013, accessed May 21, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10283758/First-Syria-rebels-armed-and-trained-by-CIA-on-way-to-battlefield.html>

mortars, anti-tank mines and SPG-9 unguided anti-tank missiles”.⁶⁷ Between two and three thousand soldiers are estimated to have gone through the program as of 2014.⁶⁸

There is a second U.S. training program in Qatar, which had been operating for about a year as of September 2014. The militants in that program were trained in mortars, heavy machine guns and TOW anti-tank missiles, the latter of which they were allowed to keep.⁶⁹ The overall aim of this program was to counter the Islamic State of Iraq and the Levant (ISIL), which emerged as a third force in the civil war in 2014. FSA affiliated rebels from Northern Syria, including the Mujahideen Army, were among the groups to take part in this training program.⁷⁰

The U.S. strategy of arming the Syrian opposition changed substantially over the course of 2013-2014. Initially a response to Assad’s alleged chemical weapons usage, the operation began as an effort to support the FSA forces against the regime. Brigades that were especially known for their U.S. support were the Mujahideen Army, Harakat Hazm, and Syrian Revolutionaries Front. American strategy shifted slightly in mid-2013 as they became more worried about the growing strength of certain Islamist factions. The U.S. began vetting local community leaders in Northern Syria with the aim of empowering

⁶⁷ Williams, Sara Elizabeth, “I Learned to Fight Like an American at the FSA Training Camp in Jordan,” *VICE*, April 3, 2014, accessed May 21, 2015, http://www.vice.com/en_uk/read/syria-deraa-USA-Jordan-FSA-regime-CIA

⁶⁸ Hubbard, Ben et al. “U.S. Pins Hope on Syrian Rebels With Loyalties All Over the Map,” *The New York Times*, September 11, 2014, accessed May 21, 2015, <http://www.nytimes.com/2014/09/12/world/middleeast/us-pins-hope-on-syrian-rebels-with-loyalties-all-over-the-map.html>

⁶⁹ Perry, Tom, “Facing Islamic State in Syria, U.S.-trained rebels await more help,” *Reuters*, December 1, 2014, accessed May 21, 2015, <http://www.reuters.com/article/2014/12/01/us-mideast-crisis-syria-insight-idUSKCN0JF2L020141201>

⁷⁰ “Turkey, US set to train “moderate” Syria rebels as SNC rules out Moscow talks,” *Al-Akhbar*, January 5, 2015, accessed May 21, 2015, <http://english.al-akhbar.com/content/turkey-us-finalize-deal-train-moderate-syrian-rebels-opposition-rules-out-moscow-talks>

people that were definitely not affiliated with terror organizations.⁷¹ By December the U.S. had completely suspended arms transfers and military aid to the SMC after Islamist groups seized a weapons warehouse from “moderate” rebels.⁷² From then on they provided arms only through “trusted commanders”, although the problem of weapon leakages had only begun. During 2014 U.S. strategy continued shifting in response to the advancement of ISIL and Assad was no longer seen as enemy number one.

Explaining American reactions

There are several factors that could explain U.S. behavior towards the Syrian opposition. First, there was the hesitancy expressed by both Obama and members of the Pentagon regarding the effectiveness of supplying arms to an insurgent group and the possibility that weapons would end up in the hands of anti-American terrorists. In 2014 Obama stated: “Very early in this process, I actually asked the C.I.A. to analyze examples of America financing and supplying arms to an insurgency in a country that actually worked out well. And they couldn’t come up with much”.⁷³ In June 2013 General Martin Dempsey, chairman of the Joint Chiefs of Staff, warned the Senate that arming rebels could have unintended consequences.⁷⁴ These hesitations also reflected the domestic political climate at the time, with most Americans very wary of getting involved in another Middle Eastern conflict.

⁷¹ Londono, Ernesto and Greg Miller, “CIA begins weapons delivery to Syrian rebels,” See footnote 63.

⁷² Hosenball, Mark, “Congress secretly approves U.S. weapons flow to ‘moderate’ Syrian rebels,” See footnote 62.

⁷³ Remnick, David, “Going the Distance,” *The New Yorker*, January 27, 2014, accessed may 21, 2015, http://www.newyorker.com/reporting/2014/01/27/140127fa_fact_remnick?currentPage=all

⁷⁴ Cloud, David and Abdulrahim, Raja, “U.S. has secretly provided arms..”, See footnote 19.

Secondly, the initial U.S. reaction to the Syrian revolution was tacit support for Assad. The Obama administration had patched up relations with Syria beginning in 2009 and “made engagement with Syria an essential element of its Middle East strategy” (Hokayem 2013, 151). This explains in part why the Western reaction to the Syrian revolution was more tentative and ambivalent in the first few months.

Finally, the actions of the U.S. show that it was possible to be well informed and partly in control of the arms that are flowing to the opposition without actually being accountable for the consequences. This aspect of deniability has been an essential part of U.S. foreign policy for decades. During the Cold War the CIA carefully armed anti-communist militants using soviet weapons or others that could not be traced back to the U.S. “While the United States and the Soviet Union had a hand in these transfers, they tried to conceal their involvement, using proxy sources and dealers. The United States routinely purchased Soviet bloc weapons for insurgent groups” (Stohl et al 2007, 8). This practice has become something of an official policy because of the strict laws prohibiting re-export to third countries. Even though the U.S. continues to sell their Middle Eastern allies billions of dollars of weapons annually, those importing countries can not use them to support opposition groups anywhere. They are forced to find alternate sources that involve complex smuggling schemes, as outlined above.

D. Jordan: the reluctant supporting actor

From the beginning of the conflict, Jordanian leaders saw the strategy of arming rebels as more of a threat than an opportunity. They were concerned about blowback from extremists coming back across the border, potential destabilization of the monarchy and

retaliation from Assad.⁷⁵ Jordan's minister of foreign affairs, Nasser Judeh, commented in response to a question about arming the rebels: "Our position was always, arming who? And do we have addresses and do we have CVs? ...We are a country that neighbors Syria, and therefore, while we don't interfere in the internal affairs of Syria, we are certainly affected by the outcome of what's going on in Syria".⁷⁶

However, continuous pressure from both Saudi Arabia and the United States led Jordan to gradually concede more and more, eventually allowing the establishment of a training center, a command hub for distributing weapons, and of course access to the border to transfer all sorts of military equipment.

The main point of leverage for both allies was Jordan's dire financial situation, which has been made worse by the growing refugee crisis and the collapse of their tourism industry. The day that they agreed to let weapons across their border they also received a billion dollar aid package from Saudi Arabia.⁷⁷

E. The Role of Turkey

Turkey is on the way to Syria from Iran, so unlike Jordan its borders have been subject to arms smuggling to both sides of the conflict. In September 2011, Turkey imposed an embargo on arms entering Syria and started intercepting both ships and planes suspected of

⁷⁵ Abi-Habib, Maria, "Saudis Seek to Funnel Arms to Syria Rebels," *The Wall Street Journal*, March 29, 2012, accessed May 21, 2015, <http://www.wsj.com/articles/SB10001424052702304177104577311572820862442>

⁷⁶ "Remarks With Jordanian Foreign Minister Nasser Judeh After Their Meeting", *U.S. Department of State*, May 22, 2013, accessed may 21, 2015, <http://m.state.gov/md209795.htm>

⁷⁷ Chulov, Martin and Ian Black, "Syria: Jordan to spearhead Saudi Arabian arms drive," *The Guardian*, April 14, 2013, accessed may 21, 2015, <http://www.theguardian.com/world/2013/apr/14/syria-jordan-spearhead-saudi-arms-drive>

carrying weapons from Iran to Syria.⁷⁸ In January 2012 they confiscated the cargo of five trucks believed to be carrying military equipment from Iran.⁷⁹

Turkish authorities have been much less stringent about arms being transferred to the opposition groups in Syria, and there have been many allegations that the Turkish government is directly supporting them. Rebels in Hatay province (just north of Syria) told a journalist in May 2012 that they were receiving training and light weapons from Turkey.⁸⁰ Members of an opposing political party have accused the government of funneling arms to Jabhat al-Nusra: "The Erdogan government has sent a large volume of heavy weapons to the terrorist group, the al-Nusra Front, affiliated to the al-Qaeda in Syria and this is while even the US has listed the al-Nusra as a terrorist group".⁸¹ A Turkish prosecutor also claims to have evidence of this connection. Cihat Acikalin told journalists: "I may be violating the ethics rule as a lawyer, but I am choosing to talk to you because we believe that the government is suspending the rule of law by providing support to this opposition, including Jabhat al-Nusra, and putting our lives at risk here."⁸²

President Erdogan has emphatically denied all of those charges, but at the very least the Turkish border is rife with smuggling networks that have been growing since before the start

⁷⁸ "Turkey imposes arms embargo on Syria," *Al Jazeera*, September 24, 2011, accessed May 21, 2015, <http://www.aljazeera.com/news/europe/2011/09/201192452340948146.html>

⁷⁹ "Suspected Iran-Syria arms traffic via Turkey raises questions," *Today's Zaman*, January 13, 2012, accessed May 21, 2015, <http://www.todayszaman.com/news-268479-suspected-iran-syria-arms-traffic-via-turkey-raises-questions.html>

⁸⁰ Weiss, Michael, "Syrian rebels say Turkey is arming and training them," *The Telegraph*, May 22, 2012, accessed May 21, 2015, <http://blogs.telegraph.co.uk/news/michaelweiss/100159613/syrian-rebels-say-turkey-is-arming-and-training-them/>

⁸¹ "Ex-Deputy PM: Turkey Supplying Heavy Weaponries to al-Nusra Terrorists in Syria," *FARS News*, September 8, 2013, accessed May 21, 2015, <http://english.farsnews.com/newstext.aspx?nn=13920617000433>

⁸² Daloglu, Tulin, "Court Case Reveals Turkey Arms Flow to Syrian Rebels," *Al-Monitor*, September 13, 2013, accessed May 21, 2015, <http://www.al-monitor.com/pulse/originals/2013/09/turkey-arms-rebels-syria-court-case.html>

of the revolution.⁸³ The UN al-Qaeda Sanctions Committee found that most arms going to ISIL other than from Iraq and Syria are being smuggled through Turkey. "Most supplies have either been seized from the armed forces of Iraq or (to a lesser extent) the Syrian Arab Republic, or have been smuggled to ISIL and ANF, primarily by routes that run through Turkey" (Security Council 2014[2], 14). Of course this does not implicate the Turkish government, but does say something about the lack of security at the border.

There is also evidence that whatever arms are coming through Turkey are not being evenly distributed among rebel groups. The brigades that are well connected with outside sources of arms are the more Islamist ones, who received support from Saudi and Qatar.⁸⁴ Well funded Islamist networks are likely able to take advantage of these black market networks more than the moderate forces that don't have as much foreign funding.⁸⁵ Some factions may even pretend to be more religiously oriented than they really are in order to attract more support.

In 2014 certain Western governments began to point the finger at Turkey for allowing funds and arms support to reach extremist rebels in Syria. The Erdogan government has responded with intransigence, even when the evidence is indisputable. In late 2013 and early 2014, two buses of ammunition and a truck carrying 1,000 mortars were seized on their way

⁸³ Densky, John, "On the porous border with Turkey, smugglers keep Syria's uprising alive," *The Guardian*, June 22, 2012, accessed May 21, 2015, <http://www.theguardian.com/world/2012/jun/22/smuggling-guns-free-syria-army>

⁸⁴ McDonnell, Patrick, "Syria rebels seek weapons, money on Turkish border," *Los Angeles Times*, July 15, 2012, accessed May 21, 2015, <http://articles.latimes.com/2012/jul/15/world/la-fg-syria-border-20120716>

⁸⁵ Koc, Sertac and Timur Goksel, "CIA focuses on al-Qaeda's use of Turkish smuggling routes," *Al-Monitor*, December 12, 2013, accessed May 21, 2015, <http://www.al-monitor.com/pulse/security/2013/12/turkey-smuggling-routes-syria-islamists-cia.html>

to Hatay province.⁸⁶ Prosecutors received a tip to search several trucks and were told by the Turkish Intelligence Service (MIT) that the cargo was a state secret. In the second case, prosecutors were able to search the trucks and found them full ammunition and weapons, but were unable to bring any charges because of the protection of MIT. One of these shipments was arranged by the Islamic charity called Humanitarian Relief Foundation (IHH), which is based, in the border town of Kilis.⁸⁷ This is the same organization that was accused of arms smuggling aboard the Intisaar ship coming from Libya in 2012.

Turkey's Agenda

Turkey's direct role in arms transfers to the Syrian opposition remains unclear, but it is undeniable that they have lent support as a transit state and by keeping their southern border porous. Unlike Jordan, Turkey has been more closely aligned with Qatar than with Saudi Arabia or the U.S. "Qatar's strategy of supporting MB-affiliated parties in Tunisia, Egypt, Libya and Syria also coincided with Turkey's approach to the region" (Zambelis 2013, 11).

The primary way that Turkey aligned itself with Qatar's strategy was through hosting the Syrian National Council (SNC), providing sanctuary for Syrian army defectors, and allowing them to organize in refugee camps (Hokayem 2013). The SNC was seen by many as heavily favoring Muslim Brotherhood elements, and therefore as a Turkish/Qatari puppet with very little connection to groups on the ground in Syria. "Groups hostile to the Brotherhood allege that its members on the SNC used money the body received from Saudi,

⁸⁶ "Ammunition rounds seized in buses bound to Hatay on Turkish-Syrian border," *Hurriyet Daily News*, January 10, 2014, accessed May 21, 2015, <http://www.hurriyetdailynews.com/ammunition-rounds-seized-in-buses-bound-to-hatay-on-turkish-syrian-border.aspx?PageID=238&NID=60881&NewsCatID=341>

⁸⁷ "Turkish charity accused of sending arms to Syria raided," *Arab News*, January 15, 2014, accessed May 21, 2015, <http://www.arabnews.com/news/509251>

Qatar, and Turkey to rebuild the Brotherhood network in Syria by channeling it to groups who pledged them loyalty” (McCants et al. 2013, 19).

Like Qatar, Turkey’s relations with Assad before the revolution were very good. There had been a rapprochement between the two countries starting in 2003, and they built many economic ties while Turkey provided a bridge to the EU and other Western states (Hokayem 2013). Within a few months of the uprising however, they had completely overturned their ‘good neighbor policy’ and started calling for outright regime change in Syria. Today, getting rid of Assad remains Erdogan’s top priority in Syria, clashing with the goals of the U.S. However, when it comes to providing heavy weapons to the rebels, Turkey and the U.S. are on the same page. The U.S. fears anti-aircraft missiles getting into the hands of extremists. Turkey fears them getting into the hands of Kurdish separatists groups.⁸⁸

In the next chapter, I will outline some of the key characteristics of the Syrian transformation from revolution to civil war and how these may be connected to the specific patterns of SALW transfers described here. These characteristics include the initial militarization of the revolution, sectarianization and fragmentation of the armed opposition, the emergence of radical Islamist factions as strong participants, and the prolonged nature of the conflict demonstrated by a stalemate on the ground and two failed rounds of international peace negotiations.

⁸⁸ Landler, Mark and Jonathan Weisman, “Obama Ready to Authorize Airstrikes on ISIS in Syria,” *The New York Times*, September 9, 2014, accessed May 21, 2015, <http://www.nytimes.com/2014/09/10/us/obama-isis-congress.html>

II. Chapter Two: Transformation of the Conflict

In the previous chapter, I described in detail how small arms and light weapons (SALW) have been directly and indirectly transferred into Syria since the beginning of the conflict in 2011. The primary states involved in the direct transfer of weapons to the opposition have been Saudi Arabia, Qatar, Turkey, Jordan, and the United States. Iraq, Lebanon and Libya are among the states that have facilitated smuggling and indirect transfers into Syria.

The current chapter will discuss key characteristics of the transformation from revolution to civil war in Syria that can be connected to the observed patterns of SALW transfers. The ‘Arab Spring’ movements have led to drastically different results across the region. In Bahrain, the revolutionary spirit was quickly suppressed and order restored, while in Tunisia an almost hopeful atmosphere remains after the adoption of a new constitution and successful elections in 2014. When the revolution in Syria began, many doubted that it would last, but the violence of the regime coupled with the willingness and capability of the opposition to fight back led to the quick devolution into all out war. Three processes that were strongly evident in this transformation are also directly connected to the influx of arms and funding from external interests. They are: the initial militarization of the revolution, sectarianization and the emergence of radical Islamist factions as strong elements, and fragmentation of the armed opposition leading to prolongation of the conflict.

A. Militarization of the Revolution

David Kinsella defines militarization as "a process by which military capabilities are introduced and/or enhanced in some social realm" (Kinsella 2012, 105). In this case, I am using the term to describe the transformation from peaceful uprising to armed insurgency

that took place in Syria over the first year of the conflict. This process was dependent on the opposition's acquisition of military equipment, especially weapons and ammunition.

This militarization, which did not occur on a wide scale until early 2012, is frequently explained simply as a reaction to the assault of the Assad regime. For example, "The emergence of an armed opposition...is an understandable response to the violence and brutality the regime of Bashar al-Assad has unleashed against peaceful protests".⁸⁹ There are two ways in which the actions of the regime seem to have led the opposition to arm itself.

First, the firing on protestors and indiscriminate bombing of entire neighborhoods that started in spring of 2011 led civilians to create communal self-defense units (Hokayem 2013). The most accessible small arms would have been bought locally on the black market or through nearby trafficking networks, especially across the border of Lebanon. It has been well documented that the black market price for AK-47s rose steeply in Lebanon and Syria in 2011, indicating a shortage of supply (Marsh 2014).

Secondly, while the Syrian Arab Army has been fairly resilient throughout the conflict in terms of internal structure, the continuous order to fire on their countrymen was a breaking point for many soldiers, especially those who had joined by conscription (Hokayem 2013). Defections from the army in large numbers began in the summer of 2011 and led to the formation of the Free Syrian Army (FSA). Many of these soldiers brought their own weapons with them and were therefore not reliant on external sources at first, although the Turkish government provided them safe haven and the freedom to organize.

These two explanations, while accounting for initial defections and self-defense groups, tend to understate the impact of external actors that provided military support. "The Syrian

⁸⁹ Heydemann, Steve, "Managing Militarization in Syria," *Foreign Policy*, February 22, 2012, Accessed February 28, 2015, <http://foreignpolicy.com/2012/02/22/managing-militarization-in-syria/>

opposition would not have taken arms so easily had it not been convinced by Western support and incentives by Qatar, Saudi Arabia, and transnational Salafi networks" (Droz-Vincent 2014, 57). Assad's actions also fail to explain how the opposition came to be comprised of hundreds of militant groups, many with high numbers of foreign fighters and links to international terrorist organizations. As I will illustrate below, the formation of the Syrian National Council (SNC) was a key moment that helps to illuminate how foreign powers like Turkey and Qatar came to play an important role in the conflict.

The uprising in Syria did not begin as a heavily armed insurgency, but as a series of peaceful protests concentrated in rural working class areas. As soon as April 2011, networks of activists had set up Local Coordination Committees across the country, which organized nonviolent community protests every Friday (Hokayem 2013). Even in early 2015 these protests are still going on, although only about a dozen committees are still active.⁹⁰ "It was clear from the beginning that nonviolent demonstrations were a powerful means for a societal revolt against a brutal regime, with slogans like "peacefully, peacefully"" (Droz-Vincent 2014, 50). Another popular slogan among protesters was "non-violence even though they kill a hundred every day" (Haddad 2012).

The protest organizers and nascent opposition groups did not take the topic of violence lightly. It was a subject of much debate in the early days of the uprising and caused fracturing among some of these groups. One coalition in particular was resolutely committed to nonviolence, but soon became marginalized compared to the growing number of armed factions (Joya 2012). The National Coordination Committee (NCC), also known as the National Coordination Body, was founded in June 2011 and has been described as an

⁹⁰ Dick, Marlin, "Syrians prepare for 200th Friday anti-regime protest in the snow," *The Daily Star*, January 9, 2015, Accessed January 12, 2015, <http://dailystar.com.lb/News/Middle-East/2015/Jan-09/283492-syrians-prepare-for-200th-friday-anti-regime-protest-in-the-snow.ashx>

"umbrella group of leftist, nationalist and Kurdish factions arguing for peaceful opposition to the regime" (Hokayem 2013, 71). The NCC stood out in another way: it was open to dialogue and negotiations with the regime (Pinto 2012). According to one of the founders of the NCC, Haytham Manna, there were three principles that the organization espoused: "no to foreign intervention; no to arming and violence; and no to sectarianism" (Haddad 2012). This can be contrasted with the SNC which immediately started issuing support for both intervention and violence as well as the unconditional resignation of Assad.

The Syrian National Council was the result of a meeting that took place in Istanbul in August 2011. Dubbed the "Istanbul Group" by some, it was based in Turkey and therefore poised to be influenced more by external players than by Syrians on the ground. The NCC saw this as a problem from the beginning and was opposed to the group being based in Istanbul rather than Damascus. Manna explained their position: "It is simply not possible for an organization wanting to arm a population in a neighboring country [i.e., Syria] to not be under the political control of the host country [i.e., Turkey]" (Haddad 2012). This was one of the reasons that the NCC withdrew from the SNC and quickly became marginalized due to their lack of financial support. The SNC meanwhile became recognized internationally as the main political opposition party (Munif 2014).

The SNC was initially strongly influenced by both Turkey and Qatar and was modeled on the Libyan Transitional Council (Haddad 2012). Despite the protest of the NCC and other like-minded groups, this was possible in part due to the large numbers of exiled Syrians belonging to the Muslim Brotherhood (MB). The crackdown on MB members, especially by Hafiz Assad in the massacre of 1982, meant that by 2011 there was no official organization representing them in Syria. After decades of persecution and exile, the MB was primed to

use the revolution as an opportunity to regain political power. Turkey and Qatar gave them the means to organize and become the most influential voice in the SNC, but that also meant that the SNC had very little connection to the protests happening on the ground (Pinto 2012).

Although the SNC was comprised of both secular and religious groups, the MB was the most hegemonic group in it (Munif 2014). The MB did not take a sectarian position within the SNC, but it was nonetheless of an Islamist political bent, which is consistent with the types of opposition groups that Qatar has supported in Libya and Egypt. Qatar and others mirrored their political support for the SNC with financial and military support as described in the previous chapter. Arms patterns show that even before the FSA was formed, Qatar and Saudi Arabia were making arrangements to send weapons to rebels in Syria using the same trafficking networks they had forged during the Libyan revolution (See Chapter 2). These two countries began by funneling weapons to the FSA and then moved on to groups of a more Islamist character, many of which contained large percentages of foreign fighters.

Once the militarization of the opposition was pervasive, the organization and funding of nonviolent activists couldn't compare to that of the armed rebels (Hokayem 2013). Nationalist elements of the opposition also felt alienated from the foreign-based and foreign-sponsored SNC. One of the most striking effects of militarization has been the masking of the socio-economic concerns that led to the protests in the first place. The original uprising in 2011 was formed by students, activists and intellectuals who were protesting social and economic policies (Joya 2012). These calls for meaningful change and democratic participation have been all but lost in the chaos of destruction that has engulfed the country for the past three years. Instead of dialogue and politics, Syrians continue to rip their country to shreds with the help and encouragement of outside parties. "When communication is

through rifles, the political discourse becomes marginalized...We thus cooperated with the regime in the same problem and crime. This crime was that of killing politics and replacing it with the military-security solution” (Haddad 2012).

A second effect of militarization was the creation of a self-perpetuating justification for pouring more arms into the conflict and the region as a whole. On one side, the opposition's increasing violence played into the regime's hand because it legitimized the narrative that Assad was using all along (Droz-Vincent 2014). The Syrian regime relies on its allies, especially Iran and Hezbollah, for support against "foreign-backed terrorists".⁹¹ Conversely, the process of militarization has also legitimized calls for foreign intervention and for arming "moderate" rebels because they are left to either compete with more radical groups or disappear completely.

It is frequently argued that Western-backed rebels have suffered from a lack of resources compared to groups that are more likely to cooperate with al-Qaeda.⁹² The unequal capacity among groups together with the rise of ISIL has led the United States and others to promise more support for moderates through weapons and training.⁹³ Even though the U.S. has been involved in the process of vetting and arming rebels since 2012, analysts tend to criticize Obama only for not doing enough of the same. "The U.S. answer to the anti-interventionist

⁹¹ Fisher, Max, "Five most bizarre quotes from Bashar al-Asad's new interview," *The Washington Post*, February 21, 2013, Accessed February 27, 2015, <http://www.washingtonpost.com/blogs/worldviews/wp/2013/02/21/five-most-bizarre-quotes-from-bashar-al-assads-new-interview/>

⁹² Farmer, Ben and Sherlock, Ruth, "Syria: nearly half rebel fighters are jihadists or hardline Islamists, says IHS Jane's report," *The Telegraph*, September 15, 2013, Accessed February 27, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10311007/Syria-nearly-half-rebel-fighters-are-jihadists-or-hardline-Islamists-says-IHS-Janes-report.html>

⁹³ Cooper, Helen, "Pentagon Will Send Troops to Train Some Syrian Rebels," *New York Times*, January 17, 2015, Accessed February 27, 2015, http://www.nytimes.com/2015/01/17/world/middleeast/pentagon-will-send-trainers-to-aid-some-syrian-rebels.html?gwh=21FA13FBB47CE4AEE0047F1FEFFD4885&gwt=pay&assetType=nyt_now

mood is a patchwork of covert, outsourced, half measures that seems likely to bring on the worst of Afghan warlordism and Talibanization, on the one hand, and Iraqi sectarianism, on the other" (Ahmad 2013).

Proposed solutions are usually of a military nature, even while politicians continue to claim that "there is no military solution".⁹⁴ One example is the suggestion of "managed militarization". This begs the question, who is the manager and who will be managed? Heydemann recommends the establishment of a Western-led group, through the Friends of Syria, to manage training and equipping of the opposition. "Rather than sidestep the tough choices that such an approach requires, and allow the unregulated flow of weapons from a wide array of self-interested parties, the Friends Group, with U.S. support, needs to develop strategies that recognize militarization as a reality to be managed, rather than imagining it as an outcome that can be avoided."⁹⁵

Even within Syria, responses to the conflict continue to call for more, not less militarization. Abdalnasser Al-Ayed, a former Syrian Air force officer, recently proposed the idea of a national army to unite democratically oriented Syrians against ISIL and others that support extremist groups. "National democrats need a military force that fights against both the regime and extremist Islamist groups and preserves the security, freedoms and public rights of citizens. The members of this military force should be radically opposed to both of the other forces on principle i.e., they should have nationalist tendencies, be neutral with regard to religion, and must believe in political pluralism and be ready to protect it " (Al-Ayed, 2015). This perspective reinforces the idea that although a political solution is

⁹⁴ Diehl, Jackson, "Sloppy thinking of 'no military solution'," *The Washington Post*, December 7, 2014, Accessed February 27, 2015, http://www.washingtonpost.com/opinions/jackson-diehl-the-sloppy-thinking-of-no-military-option/2014/12/07/8996eef6-7bd4-11e4-b821-503cc7efed9e_story.html

⁹⁵ Heydemann, Steve, "Managing Militarization in Syria," See footnote 90.

imperative, it is not seen as feasible in the current moment. “Sadly, the idea of a political solution in Syria is nonexistent in all parties and situations, due to military thrust. Reinforcing the opposition and training it for years indicate the lack of the political solution” (Haddad 2012).

B. Increasing Sectarianism and Radicalization

Another aspect of the Syrian conflict that has changed over time is the degree of sectarianism, measured by violent language and action aimed at particular religious groups. Before 2011, Syrian society was relatively cohesive and not as fractured along sectarian lines as Lebanon or Iraq which have populations of similar religious compositions. While the uprising began in rural Sunni communities, “clearly defined Islamist motivations seem not to have been among the original underlying reasons for the unrest” (Hokayem 2013, 49). Instead, opposition activists tried to emphasize the religious diversity of the protests and their common concerns for civil and political rights and (Droz-Vincent 2014).

Several scholars have noted the difference between the current uprising and the political confrontation with the Muslim Brotherhood that occurred in the late 1970s and had a stronger sectarian dimension (Pinto 2012). In that previous clash, the main adversaries to the regime were upper class urban elites and religious leaders who disapproved of the secular Baathist ideology. Since then, over the course of several decades of economic liberalization, there has been a small rapprochement between the regime and clergy while the rural poor who were formerly Baath allies felt marginalized and became the driving force behind the 2011 protests (Pierret 2013).

So the current conflict did not start out in opposition to the regime for religious reasons, although the majority of rural, working class Syrians are Sunni. However, elements of the

opposition soon became motivated by more sectarian and exclusive ideas. "The longer the conflict goes on, the more deeply entrenched the processes of sectarian radicalization become" (Ahmad 2013). According to Droz-Vincent, sectarian polarization didn't fully emerge until 2012-2013, and it can be seen mostly as a result of the fear that comes from violence and leads people to cling to their identities. "With the deepening of conflict, violence fuels fear and fear breeds self-closure and allegiance shifts towards sectarian alignments" (Droz-Vincent 2014, 53).

As in the case of militarization, there is evidence that actions of the Assad regime directly contributed to growing sectarian divisions (Pinto 2012). The tactics used were similar to those used by his father in the 1970s including a very tough crackdown on protesters together with protection of Christian and Shia minorities. Some even go so far as to accuse Assad of deliberately fomenting a radical opposition by releasing Islamist prisoners in May 2011 (Droz-Vincent 2014). Munif theorizes that many Arab countries have used Islam to pacify the population while deliberately allowing radicalization to show that only the state can protect minorities (Munif 2014).

However, the agendas of foreign powers communicated through financing and arms transfers also contributed to increased sectarianism. Saudi and other Gulf-based religious leaders began using sectarian language to voice support for the opposition as a purely Sunni movement. This can be seen as an extension of the rivalry for regional hegemony between the Gulf and what has been called the "Shia crescent". "The absence of a clear and credible opposition leadership in the early days of the uprising allowed media-savvy foreign-based and sometimes non-Syrian clerics to inject poisonous geopolitical and sectarian narratives that were partially corroborated by the regime's response" (Hokayem 2013, 96).

As Gulf funding and weapons increased and Islamist militants grew more powerful, protest slogans became more religious, alienating minorities and reinforcing the sectarian agenda. "The religious nationalism became more and more clearly Sunni which made Christians and Alawis and others worried; they pulled back" (Pinto 2012). The spread of slogans against Iran and Hezbollah also created divisions within the protestors. Before 2011, there was only one Islamist militant organization in Syria, and it was neither jihadist nor Salafist. By 2013 Salafi Islamist groups were among the largest and strongest factions in the armed opposition. One such group, Ahrar al-Sham, "played a key role in transforming the anti-Assad revolt into an Islamist uprising. Its men fought alongside Jabhat al-Nusra, an al-Qaeda affiliate, during the battle for Aleppo and they were accused of at least one sectarian massacre".⁹⁶ As noted in the last chapter, Ahrar al-Sham was heavily supported by arms from Qatar. Competition for funds and arms has left fighters frustrated and some have even suggested that certain factions claim to be more religiously oriented than they are in order to secure Gulf patronage.⁹⁷

As the political agenda of the revolution began to disappear and be replaced by sectarian rhetoric, foreign fighters were drawn to the conflict as a cause to fight for. This was not the same cause initiated by the Syrian uprising, but one motivated by religious ideology (Hokayem 2013). George Ahmad uses the Arabic word "fitna" to describe the state of civil strife in Syria. "Fitna is fomented turmoil in which previously coexisting groups begin to fear and then kill each other as enemies " (Ahmad 2013, 52). On one side are Assad's

⁹⁶ Blair, David and Spencer, Richard, "How Qatar is funding the rise of Islamist extremists," *The Telegraph*, September 20, 2014, Accessed February 27, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/qatar/11110931/How-Qatar-is-funding-the-rise-of-Islamist-extremists.html>

⁹⁷ McDonnell, Patrick J, "Syria rebels seek weapons, money on Turkish border", *Los Angeles Times*, July 15, 2012. Accessed February 27, 2015, <http://articles.latimes.com/2012/jul/15/world/la-fg-syria-border-20120716>

shabiha paramilitary forces, supplemented by Hezbollah and Iranian National Guard forces. On the other side are the more extreme groups within the Syrian opposition, including some associated with al-Qaeda. Ahmad describes the more extreme groups as "Sunni foreign fighters and combatants from around the region driven by ideology rather than survival" (52).

The following passage describes the experiences of one young Syrian who witnessed the sudden influx of foreign clerics to Aleppo beginning in 2012. With a combination of militant fundamentalism and ample financial backing, they played a significant role in recruiting locals to fighting brigades.

“Mahmoud described to me how one Friday shortly after the rebels took over many of Aleppo’s southern and eastern neighborhoods in the summer of 2012, foreign-looking armed militants joined the congregation in his local mosque in Sha’ar in full combat gear with their rifles. As the imam stood up to give the sermon, one of them rushed forward and took his place on the pulpit and started giving his own fiery sermon, much to everyone’s surprise and shock. He even took his rifle up with him. They had never seen anything like this in their lives, as previously all mosques were tightly regulated by the Syrian regime and sermons were scrutinized and vetted to weed out anything subversive or critical of the status quo.

..The radicalization did not stop at the pulpit, Mahmoud explained, and the jihadists were later superseded by radical clerics — proper ideological holy men who were better versed in Islamic scripture, more coherent and more capable of convincing the skeptics and would-be recruits of their fanatical interpretation of Islam. Many of them were foreign, from all sorts of nationalities, some spoke with a thick foreign accent and clearly did not look Arab, and were possibly from the Caucasus.

...Mahmoud described to me his horror at what was going on. “I knew what they were doing, but I was helpless to stop it. We simply didn’t have the resources to take them on, they were well supplied and financed. We couldn’t provide all the aid they could, they must have spent millions.””⁹⁸

⁹⁸ Dark, Edward, “How foreign imams radicalized Syria's war,” *Al-Monitor*, September 18, 2013, accessed May 21, 2015, <http://www.al-monitor.com/pulse/originals/2014/12/syria-east-aleppo-rebel-control-religious-radicalism.html>

C. Fragmentation and Protracted Conflict

A third aspect of the conflict that is apparent in the transition to civil war is the fragmentation of rebel groups and the resulting stalemate between fighting forces. Fragmentation, or fracturing, refers to the division of anti-regime forces into smaller and smaller units that frequently end up fighting each other in addition to their common enemy. While political pundits may talk about the “Syrian opposition” as a singular entity, in reality there is no unified armed opposition. What started as neighborhood defense groups and army defectors has turned into over a thousand distinct insurgent units that continually morph into new groups, forming alliances of convenience and then breaking them again with no particular pattern (Lister 2014).

Fragmentation of rebel groups in civil wars is well documented and occurs for various reasons. In the case of Syria there are at least two ways in which arms transfers to the opposition have likely encouraged fighting between rebel groups. One of the most common causes of fragmentation is competition over resources, especially military resources and funding. Authors Fjelde and Nilsson stress that fighting among rebel groups in civil war should be understood as a means to secure resources and political standing. They also find evidence that “...groups that have received support from a foreign state have a higher likelihood of engaging in interrebel conflict” (Fjelde et al 2014, 605).

In the case of Syria, competition between groups for small arms was enhanced by unreliable supply routes and the disjointed effort of foreign arms sponsors. The numerous donor countries each had their own preferences about which groups they wanted to support. For example, even in the beginning of the conflict, Saudi Arabia, Qatar and Turkey were all supplying different factions within the FSA, making it very difficult for the group to unify

(Munif 2014). The division was even more pronounced when the FSA set up its own “Syrian Support Group” in 2012 to receive and distribute weapons as a way to bypass the Brotherhood-dominated SNC. Saudi Arabia became the main supporter of this new group while Qatar and Turkey continued to work with the SNC (Ostovar et al. 2013).

These supply patterns encouraged fragmentation by forcing fighters to migrate to groups that had better connections to foreign sponsors at any given time. “Qatar and other international powers haphazardly backed dozens of different brigades and let them fight it out for who could secure a greater share of the funding”.⁹⁹ The rivalry between Saudi Arabia and Qatar not only led to direct competition between groups that they funded; it also led many factions to search elsewhere for support through private networks and black markets which created further divisions (The Carter Center, 2014).

The second way that arms transfers may have encouraged fragmentation is through acquisition patterns. One case study in Nigeria confirmed that the method of arms acquisition is an important factor in interrebel relations (Duquet 2009). Duquet found that as different group leaders were able to independently acquire arms, the likelihood of unity between the insurgency as a whole decreased. “As the leaders of different rival groups had control over their own acquisition patterns, this contributed to the obstruction of a unified insurgency against the Nigerian state” (Duquet 2009, 182). Moore (2012) concurs that if individual soldiers are able to acquire major weapons such as missiles, the group is likely to become fragmented.

At least some of the arms transfer schemes devolved into this kind of distribution by 2013. The Wall Street Journal writes this about the U.S. operations center in Turkey:

⁹⁹ Dickinson, Elizabeth, “The Case Against Qatar,” *Foreign Policy*, September 30, 2014, Accessed March 12, 2015, <http://foreignpolicy.com/2014/09/30/the-case-against-qatar/>

“Because U.S. officials concluded that the moderate opposition Free Syrian Army wasn’t able to safeguard U.S. supplies in Syria, the CIA decided to deliver weapons directly to the trusted commanders. Some military officials warned that the CIA risked creating warlords and undermining cohesion in the ranks of local fighters, but the CIA saw no credible alternative”.¹⁰⁰ By providing arms (including anti-tank missiles) to individual commanders, the U.S. has also contributed to fragmentation of rebel groups.

Fragmentation may have some intrinsically negative effects, but it is also connected to increased duration of the war. It is clear from looking at the conflict that the infighting and lack of unity between rebels has made it more difficult for the political opposition to challenge the regime and to negotiate at the Geneva II Conference. While there isn’t yet enough research connecting the phenomenon of fragmentation with conflict duration, it has been well established that third party interventions in civil wars can lead to prolonged conflict. Regan (2002) defines military support as “equipment, intelligence, sanctions, or advisors”, all of which are present in Syria. Transfer of weapons is one method of foreign military intervention, and in this case it has increased the duration of the conflict through creation of a stalemate, negotiation challenges, and escalation of violence.

Stalemate

“The conflict in Syria contains countless fronts and dozens, if not hundreds, of localized theaters of battle. Taken together, neither the opposition, the Assad regime, the Kurds, nor the jihadis can be said to be ‘winning’” (Lister 2014).

¹⁰⁰ Entous, Adam, “Covert CIA Mission to Arm Syrian Rebels Goes Awry,” *The Wall Street Journal*, January 26, 2015, Accessed March 12, 2015, <http://www.wsj.com/articles/covert-cia-mission-to-arm-syrian-rebels-goes-awry-1422329582>

The stalemate has come about in part because the weapons and other support provided to the rebels has been matched or equalled by support given to the regime. The willingness of external actors to continue providing a certain level of support to each side has allowed the conflict to keep simmering without hope for any military victory. Politically, blame has been placed either on Iran for supporting the regime or the U.S. for insufficiently supporting the opposition. Rather than highlighting the role of one actor, it is important to look at the entire network of third parties that are contributing to this situation.

Looking at 152 civil wars in the 19th and 20th centuries, Balch-Lindsay et al. find that “The more equitable the distribution of third party interventions across the domestic sides in a civil war, the longer the duration of the civil war” (Balch-Lindsay et al. 2000, 625). The distribution of arms in Syria could be considered “equitable” or neutral because there are actors on both sides intervening by contributing military support and neither side has been able to tip the scale. Balch-Lindsay et al. also emphasize the importance of looking at the geopolitical context of intervening actors and even suggest that some states may have incentives to prolong the conflict. “While some third parties might prefer to end civil wars rapidly for humanitarian reasons, other third parties might prefer to prolong the duration of civil wars with an eye toward plundering the natural resources of the civil war state, or draining the resources of a rival third party, for example” (Balch-Lindsay et al. 2000, 637).

This reflects the attitude of many Syrians that the U.S. in particular is intentionally prolonging the conflict. The FSA general secretary Ammar al-Wawi remarked: “The U.S. provides just enough [weapons] to keep the fighting going, but not enough to win” (Democratic Revolution, 2014). Another fighter that received U.S. training at a camp in Jordan goes further to say that “America is benefiting from the destruction and the killing in

order to weaken both sides”.¹⁰¹ Even an American analyst, Joshua Landis, admits that “the US is playing a ‘rather mischievous role’ by supporting the rebels with one hand and restraining them with the other. ‘The result is that we’re prolonging the rebellion, but we’re also making sure it can’t win’.”¹⁰²

Despite the focus on the individual contributions of each actor, the cumulative impact of arms flowing into the country to all sides and funding by varying political interests is what allows the war to continue. "In an open system fueled surreptitiously by numerous outside parties following different interested logics, chaos can be perpetuated for a long time" (Ahmad 2013, 52). Unfortunately, if nothing changes, there is the potential for the situation to remain as it is for some time. A former CIA analyst was quoted as saying: “Both sides' external allies... are ready to supply enough money and arms to fuel the stalemate for the foreseeable future”.¹⁰³

Negotiation Challenges

A second way that third party interventions can increase the duration of a conflict is by making it harder for a successful negotiation to take place. While intervening in an intrastate conflict is usually done with the stated purpose of ending the violence, it has become clear that “most interventions appear to prolong rather than reduce the expected duration of a conflict” (Regan 2002, 56). Regan also finds that if an intervention brings the capabilities of

¹⁰¹ Williams, Sara Elizabeth “I Learned to Fight Like an American at the FSA Training Camp in Jordan” *Vice*, April 3, 2014, Accessed March 12, 2015, http://www.vice.com/en_uk/read/syria-deraa-USA-Jordan-FSA-regime-CIA

¹⁰² Ibid.

¹⁰³ Hosenball, Mark, “Congress secretly approves U.S. weapons flow to 'moderate' Syrian rebels”, *Reuters*, January 27, 2014, Accessed March 12, 2015, <http://www.reuters.com/article/2014/01/27/us-usa-syria-rebels-idUSBREA0Q1S320140127>

each party closer to equal, it would encourage each to keep fighting and they would be less willing to negotiate. Even though the intervention in Syria has been piecemeal and small scale, it did increase the opposition's expectations of further support, which "would lead the rebel leadership to press for greater demands and be more resolute in their decision to fight" (Regan 2002, 61).

Conflicts with intervention by independent actors, as opposed to multilateral organizations, are harder to resolve because each actor that becomes involved then has a stake in the settlement (Cunningham 2010). External actors are less likely to negotiate right away because they have fewer costs in continuing the fight than internal participants. When a foreign actor intervenes to pursue their own agenda, Cunningham suggests "it makes sense to treat it as a separate combatant who must either be defeated militarily or satisfied through some sort of agreement for the war to end" (117). The more combatants involved in a war, the harder it would be to come to a resolution. In the case of Syria there is no international organization involved that would be able to unify the agendas of all the intervening states. "When external states intervene in conflicts to pursue a separate agenda, the conflict will be harder to resolve and therefore longer" (Cunningham 2010, 119).

Continuing the focus on interveners as independent, unilateral actors, Aydin et al. find that when intervening states are competing for influence over combatants (as Saudi Arabia and Qatar have), they prolong the fighting. "Third-party states bandwagoning on the same side of a civil war are effective in stopping the fighting only when the intervening parties share similar preferences" (Aydin et al. 2012, 573). Moreover, unilateral interventions should not be analyzed as independent, discrete events but as a complex process with cumulative impacts on the conflict. These authors call for intervening states to cooperate and

make sure that their relationships are not "contributing to the struggles of people in civil war countries" (Aydin et al. 2012, 591).

Cunningham also emphasizes that states do not always intervene on behalf of the fighting parties, or with the same goals and intentions, even though they may profess to do so. Unfortunately, distinguishing real from stated goals of intervening actors can be quite difficult, especially when human rights language is used to mask geopolitical agendas. Sadly, intervening states may be given a political “green light” from the international community even when the results of their actions fail to match up with declared intentions. “Altruistic statements are commonly greeted with skepticism and with reminders that acts speak louder than words. Yet in public life, words often manage to outweigh acts” (Bricmont 2007, 30).

Escalation of Violence

Finally, duration of civil conflicts is increased simply through the escalation of violence, which is encouraged by the supply of arms. Moore (2012) finds that rebel groups’ access to major conventional weapons (usually shoulder launched surface to air or anti-armor missiles) increases the duration and severity of intrastate conflicts. It is often assumed that rebels acquire most of their larger arms by stealing from the government, but research has shown that looted weapons are often not integrated into the conflict due to lack of training and missing parts. Large arms through international transfer are required for rebel groups to successfully challenge the government, but this often leads to an arms race, escalation and more bloodshed. "Although arming either side should increase conflict severity, we should expect weapons transferred to rebels to have a greater likelihood of increasing the severity of conflict than those weapons transferred to states" (Moore 2012, 334).

The above sections should make clear that arming rebels in a civil conflict only creates more violence and is not likely to end the conflict sooner. Rather, as seen in the case of Syria, the diverse agendas of the many states pouring weapons into the country has been a major factor contributing to militarization, sectarianism, and protracted fighting.

III. Chapter Three: Small Arms Control in Civil Wars

In the previous chapters I have described the patterns of small arms transfers into Syria and discussed the potential negative impacts they have had on the conflict since 2011. If it is true that pouring weapons into a conflict zone will lead to an increased level and duration of violence, then what can be done to prevent that from happening? This chapter will look at two state-centered methods that are currently being used to control the spread of small arms: embargoes and treaties.

Embargoes against weapons exports or imports are one form of sanctions that have become more common in the past few decades. Typically directed against an offending state government, they can be unilateral or multilateral, and partial or impartial. While most embargoes are meant to be impartial, they often do not explicitly state the prohibition of transferring arms to non-governmental parties. The language of these policies can be very ambiguous and it is not always clear if the embargo applies to the state as a territory or as a governing entity.

The effectiveness of embargoes is contested at best, in part because compliance relies on exporting states themselves, which may have strategic interests in continuing the supply of arms to either party. States are very rarely neutral in relation to an intrastate conflict and usually would prefer an embargo on one side and not the other. In the case of Syria, the embargoes that were implemented were all effectively partial although they were not explicitly worded in that way. A second reason that embargoes may not be effective is that they are used as an inexpensive policy that gives the appearance of action. The government or organization implementing an arms embargo may not be able to enforce it, but it gives the illusion of doing something concrete, which is politically convenient.

A. UN Arms Embargoes

The most inclusive type of multilateral arms embargo would be issued through the UN Security Council. The first UN arms embargo was declared in 1948 during the Arab Israeli war, but the use of embargoes in civil war has increased dramatically since 1990 (Tierney 2005). Today they are the most common form of sanctions imposed by the UN.

In 2011, then U.S. ambassador to the United Nations Susan Rice affirmed “the need for tough, targeted sanctions and an arms embargo to protect the population” in Syria.¹⁰⁴ In April 2013, the UN envoy to Syria “suggested the Security Council consider an arms embargo on both sides of Syria's conflict”¹⁰⁵ and UN Secretary General Ban Ki-Moon has repeatedly requested an embargo of weapons into the country, saying most recently "It is essential to stem the flow of arms pouring into the country. It is irresponsible for foreign powers and groups to give continued military support to parties in Syria that are committing atrocities".¹⁰⁶

Despite the public pleas for applying such a ban, the UN Security Council has been unable to pass any resolution that would set the stage for possible sanctions against Syria, including an arms embargo. Three successive attempts at such a resolution failed due to the vetoes of permanent Security Council members Russia and China.

In October 2011, the first resolution that would have threatened sanctions against Syria failed- China and Russia veto. In February of 2012 a second resolution that would have

¹⁰⁴ “Security Council Fails to Adopt Draft Resolution Condemning Syria’s Crackdown on Anti-Government Protestors”, *United Nations Press*, October 4 2011, Accessed April 2, 2015, <http://www.un.org/press/en/2011/sc10403.doc.htm>

¹⁰⁵ “Brahimi suggests U.N. arms embargo on Syria conflict”, *Al Arabiya*, April 24, 2013, Accessed April 5, 2015. <http://english.alarabiya.net/en/News/middle-east/2013/04/24/Brahimi-suggests-U-N-arms-embargo-on-Syria-conflict-.html>

¹⁰⁶ Nichols, Michelle, “U.N. chief urges Security Council to impose arms embargo on Syria”, *Reuters*, June 20, 2014, Accessed April 2, 2015, <http://www.reuters.com/article/2014/06/20/us-syria-crisis-un-idUSKBN0EV1L120140620>.

demanding a halt in violence by all parties was also rejected by the two countries.¹⁰⁷ Finally in July of that year a third resolution was vetoed that "would have threatened sanctions on the country if demands to end the spiraling violence were not met".¹⁰⁸

The reason for this persistent failure is partly linked to the implementation of a previous UN resolution concerning Libya. In 2011 the Russian representative Vitaly Churkin "was alarmed that compliance with Security Council resolutions in Libya had been considered a model for future actions by the North Atlantic Treaty Organization".¹⁰⁹

Churkin was referring to Resolution 1970, which imposed, among other sanctions, an arms embargo against imported and exported weapons in Libya. While the terms of this resolution were clear, the following resolution 1973 made the arms embargo ambiguous by authorizing "all necessary measures" to protect civilians.¹¹⁰

France soon began openly providing arms to the rebels in Libya, which they believed was in the scope of the UN mandate. The US State Department agreed, asserting: "We believe that UN Security Council resolutions 1970 and 1973, read together, neither specified nor precluded providing defense materiel to the Libyan opposition".¹¹¹

¹⁰⁷ "Security Council Fails to Adopt Draft Resolution on Syria as Russian Federation", *United Nations Press*, February 2012, Accessed April 2, 2015, <http://www.un.org/press/en/2012/sc10536.doc.htm>

¹⁰⁸ "Security Council Fails to Adopt Draft Resolution on Syria That Would Have Threatened Sanctions", *United Nations Press*, July 2012, Accessed April 2, 2015, <http://www.un.org/press/en/2012/sc10714.doc.htm>

¹⁰⁹ "Security Council Fails to Adopt Draft Resolution..", See footnote 105.

¹¹⁰ "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians", *United Nations Press*, March 2011, Accessed April 2, 2015, <http://www.un.org/press/en/2011/sc10200.doc.htm>

¹¹¹ Abu-Aun, Lufti, "Russia: arming Libya rebels is 'crude violation'", *Reuters*, June 30, 2011, Accessed April 2, 2015, <http://www.reuters.com/article/2011/06/30/us-libya-idUSTRE7270JP20110630>

Russia on the other hand strongly disagreed with this assessment, believing that the terms of the UN Security Council resolutions were clearly exceeded by NATO. "This expanded mission was bitterly criticized by Russia and China, which had reluctantly acquiesced in Resolution 1973 on the basis of its allegedly limited mandate. Their opposition to the scope of the NATO intervention later became a basis for resisting coercive resolutions by the Council against Syria." (Bali et al 2012, 119).

Russia is not the only one to maintain that the arms embargo should have applied to all parties in Libya, not only the regime. Corten and Koutoulisy come to the conclusion that military support to the rebels was not covered by either Security Council resolution (Corten and Koutoulisy 2013). Evans agrees that there was at least a widespread perception that NATO had abused the UN mandate in Libya by "comprehensively supporting the rebel side in what rapidly became a civil war, ignoring the very explicit arms embargo in the process" (Evans 2014, 20). In this case it comes down to whether the arms supplied to the rebels were intended to overthrow the regime or solely for the protection of civilians. The perception among BRICS countries was the former, and there is "no general rule of international law that allows a State to support rebels in overthrowing a government, even if this government is responsible for gross human rights violations" (Corten and Koutoulisy 2013, 64). However, it was also possible for France and others to use the mantle of the "Responsibility to Protect" to justify their actions.

It is clear that regardless of who is more in line with international law, the result of the actions in Libya made it impossible for an arms embargo against Syria to be implemented. It has also been well documented by a UN committee that the embargo against Libyan arms exports has been violated many times, leading to the proliferation of weapons throughout northern Africa and even to Syria (see chapter 2).

Embargo against al-Qaeda

It should be noted that although there is not a specific UN embargo against sending arms into the territory of Syria, there does remain an embargo against al-Qaeda and Associated Individuals and Entities, which is not limited to the territory of a particular UN member (Holtom 2012). The embargo prevents the “direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities...of arms and related materiel of all types including weapons and ammunition” (Security Council 2011). The UN Security Council has explicitly affirmed that both ISIL and the militant group Jabhat al-Nusra are offshoots of al-Qaeda and therefore included in the sanctions list.¹¹² It has been pointed out that there is a high probability that some of the arms distributed to “moderate” Syrian rebels will inadvertently end up in the hands of one of these two groups. “In particular, because Resolution 2083 bans indirect supply of arms, due care would have to be taken to ensure that arms transferred to the Supreme Military Council did not find their way to al-Qaeda affiliated groups” (Schmitt 2014, 139). If it could be proven that this is indeed happening, it would be difficult to argue that the transfers did not constitute “indirect supply” and thus a violation of the embargo.

B. Other Multilateral Embargoes

There have been two instances of multilateral arms embargoes against Syria since 2011, but both were effectively repealed in 2013. The first was issued by the European Union as part of a package of sanctions against the Syrian government in May 2011. The Council

¹¹² “Adopting resolution, Security Council approves sanctions against militants in Iraq, Syria,” *UN News Centre*, August 15, 2014, accessed May 15, 2015, http://www.un.org/apps/news/story.asp?NewsID=48494#.VU_O3M5HM21

Decision 2011/273/CFSP and Council Regulation No 442/2011 included a full embargo on the supply of arms and military equipment to Syria (SIPRI 2013). The embargo was lifted in May 2013 due largely to pressure from British and French leaders, who both wanted the option to begin arming the Syrian moderate opposition.¹¹³ It was recently revealed in a forthcoming book that France knowingly directed arms to Syrian rebels while the EU embargo was in effect. “According to Hollande, as cited by Panon, France delivered cannons, machine guns, rocket launchers and anti-tank missiles to the forces fighting Bashar Al-Assad in the protracted Syrian civil war. Earlier, Hollande maintained France only sent weapons to Syria after the embargo was lifted”.¹¹⁴

While it only lasted for 2 years, the EU embargo should have covered at least some of the suppliers of small arms to fighters in Syria. It is not likely that any EU members states would have supplied the Syrian government, but several Eastern European countries have been reported as sources for rebel groups. In chapter two I discussed several news reports related to Croatian and Yugoslavian arms being sent by Qatar and Saudi Arabia. These reports didn’t appear until after 2013, so it is unclear whether they broke the embargo. In a 2014 Small Arms Survey report, Romania, Ukraine and the Czech Republic are listed as primary suppliers of ammunition that have been found in Syria during the war (Jenzen-Jones 2014). While Ukraine is not a member of the EU, the other two are and would have been required to adhere to the embargo. However, as the authors of that report acknowledge, it is impossible to know when the ammunition was transferred to Syria, or if it was the result of a direct or indirect sale.

¹¹³ “EU ends arms embargo on Syria rebels”, *BBC*, May 28, 2013, Accessed April 4, 2015, <http://www.bbc.com/news/world-middle-east-22684948>

¹¹⁴ “Hollande admits arming Syrian rebels in breach of embargo - book,” *RT*, May 6, 2015, accessed May 22, 2015, <http://rt.com/news/256085-hollande-arms-syrian-rebels/>

The second multilateral embargo of arms against Syria was drafted by the Arab League. In November 2011 the 22-member group voted to suspend Syria's membership and impose sanctions. The next month they issued a clarifying statement that included the line "Ban the supply of all kinds of weapons to Syria from the Arab states" (SIPRI 2012). As in the case of the EU, this embargo lasted only until early 2013 when the league issued a statement stressing "the right of each state, according to its wishes, to offer all types of self-defence, including military, to support the resilience of the Syrian people and the Free [Syrian] Army".¹¹⁵ Even while the embargo was in effect, it was either understood only as a partial embargo against the Syrian regime, or it was flagrantly violated by several Arab League members who began organizing shipments of weapons to opposition groups in 2012.

There have also been several unilateral arms embargoes against Syria, including Canada, Australia and Turkey. The case of Turkey is most interesting in light of the significance of their border for smuggling arms. They imposed an arms embargo as part of a larger package of sanctions in September 2011, and they soon began intercepting ships headed to Syria from Iran and Russia.¹¹⁶ It is unclear whether the sanction was meant to be partial, but by 2013 Turkey was among the countries calling for the removal of the EU embargo, saying that "The embargo had correspondingly strengthened President Bashar al-Assad's forces, which continue to receive weapons from Russia and Iran and never depended on EU countries in any case".¹¹⁷ Turkey has been accused of deliberately allowing

¹¹⁵ "Arab League support for arming Syrian rebels 'logical'", *France 24*, March 8, 2013, Accessed April 3, 2015, <http://www.france24.com/en/20130308-syria-arab-league-arming-rebel-forces-opposition-coalition/>

¹¹⁶ "Turkey imposes arms embargo on Syria", *Al Jazeera*, September 24, 2011, Accessed April 4, 2015, <http://www.aljazeera.com/news/europe/2011/09/201192452340948146.html>

¹¹⁷ Blair, David, "Syria: Turkish foreign minister criticises EU weapons embargo", *The Telegraph*, March 8, 2013, Accessed April 4, 2015, <http://www.telegraph.co.uk/news/worldnews/europe/turkey/9919284/Syria-Turkish-foreign-minister-criticises-EU-weapons-embargo.html>

weapons shipments across its borders to reach rebel groups in Syria, although they maintain an attitude of denial.

C. Challenges for Embargoes

While the main obstacle in Syria has been in acquiring the political will to declare embargoes, those that have been implemented have had relatively little effect. Countries that wanted to supply the rebel groups with arms either ignored the embargoes or found ways around them, while those that continued to arm the Syrian government were not party to any multilateral embargoes and simply continued business as usual, with the occasional exception of Turkish interception.

Even if there had been a UN embargo against Syria, would it have been successful in reducing the volume of arms entering the country? Much of the literature tends to say no. Tierney concludes that "Virtually every case of a UN arms embargo applied to a civil war has been a failure (Tierney 2005, 61).

There are a few recent studies that are more optimistic. Brzoska analyses 74 cases of arms embargoes and finds that contrary to popular belief, 40% of them have actually had success in reducing the volume of arms reaching the target. He also finds that multilateral embargoes are more likely to be effective than unilateral ones (Brzoska 2008). Erickson comes to a similar conclusion in her study, saying that "Major exporters overall appear to implement sanctions, despite strong economic incentives to ignore them and a lack of formal accountability mechanisms to punish violators" (Erickson 2013, 159).

Notwithstanding these more hopeful findings, it remains true that weapons embargoes are extremely difficult to implement, especially when it comes to small arms. Even if an

embargo has partial success, there are many factors that make it problematic as an arms control policy.

First, there is the issue of black market prices. By decreasing the legal supply of weapons, the price of illegal weapons goes up, creating potentially large profits for those willing to operate on the black market. In Bosnia for example, "the existence of an embargo merely raised the price, making it 'three or four times higher' than if openly available" (Pythian 2000, 37). Pythian even goes so far as to say that the illicit arms trade is a product of the Cold War because of the numerous export embargoes that were applied to states for foreign policy reasons. Arms trafficking is a lucrative business, and can create a kind of dependency for a plethora of sub-state actors that are involved in the supply chain. Corrupt military officials, rebel leaders, brokers, and transporters, are just some of the figures that profit from the movement of weapons. "It is at the local and regional level and in the war zones that the economic addiction to weapons trafficking needs to be addressed—not just in the capitals of the major arms-supplying nations." (Hartung 2015, 93).

Secondly, there is the general problem of enforcement. When it comes to state enforcement of arms exports, strong national laws and government structures are essential. However, in many cases the states neighboring conflict zones may themselves be very weak and lack the resources to effectively monitor arms transactions. In addition, those that are in a position to regulate are often profiting from illicit trade themselves, creating perverse incentives (Pythian 2000).

Aside from regulatory issues, states may have strategic interests at the highest political levels that keep them from fully complying with an embargo. This may range from simply not enforcing export rules to willfully breaking them. In Bosnia, the full embargo on all of Yugoslavia was rendered almost meaningless as many states continued supplying arms to

the area. Saudi Arabia, Turkey, Pakistan and Iran were among the suppliers, the latter of which was approved by the United States (Bourne 2010). According to Phythian, the CIA even encouraged companies to export to South Africa during a UN embargo on that country in the 1980s (Phythian 2000).

Compliance in the case of a multilateral embargo may be even more difficult to obtain because the regulatory responsibility still essentially lies with the state body. Multilateral sanctions committees that monitor enforcement rely on member states to provide information and are frequently under-resourced and understaffed (Tierney 2005). While legal government-to-government transfers are usually trackable, those to non-state actors are seldom reported by government sources (Dhanapala et al, 1999). If the multilateral agency is not informed it is nearly impossible for it to enforce an embargo, and if one crucial state lacks the will or capacity to comply, the entire embargo could be ineffectual (Tierney 2005).

Thirdly, the question of who the embargo should apply to is deeply related to its potential effectiveness. The question of neutrality comes into play: is it best to prevent arms from reaching every party in a civil war? Or should the relative strength and human rights abuses of each be taken into consideration? Some suggest that impartial embargoes can be more harmful than helpful because non-state groups are likely to be more disadvantaged than government actors (Tierney 2005). In either case, clarity of language in reference to the targets of an embargo is essential. As in the example of Libya, disagreements about the interpretation of resolutions could lead each state to pursue its own national interests and justify its actions accordingly.

A final problem with embargoes lies not in their enforcement but in their timing. Most often by the time the international community is aware of a conflict and the political will to declare an embargo is present, arms have already been collected by the parties that would be

most impacted by an embargo. For example, the government of Syria already had a large cache of weapons stored since Cold War years and may not have been deterred by a full UN embargo even if that had been achieved. The surest way to prevent or reduce violent conflict would be to prevent the groups involved from stockpiling arms in the first place.

Unfortunately, major global arms producers have a habit of excessively arming their allies during peaceful times. "There is not a single case where an arms embargo was introduced sufficiently early to prevent the aggressor faction from actually initiating civil war.

Therefore, by the time embargoes are introduced, many of the combatants are armed to the teeth" (Tierney 2005).

D. The Arms Trade Treaty

Small arms control as an international problem didn't receive considerable attention until the late 1990s. Prior to that the focus was on conventional heavy weapons, but the campaign to ban landmines and the resulting treaty in 1997 brought small arms to the fore. With the end of the cold war and the surpluses of weapons that were suddenly made available on the black or legal market, SALW became the primary weapons used in 90% of armed conflicts since 1990 (Bourne 2010) . The increasing prevalence of ethnic violence and civil war, from Rwanda to Bosnia, helped to make small arms proliferation a human rights issue.

The first major effort to address this problem on a global scale was the 2001 UN Programme of Action (PoA), which included strategies to regulate import and export controls, stockpile management, and weapons collection and disposal. While the PoA was a huge step in the right direction and all UN member states eventually joined it, it was strictly voluntary with no enforcement mechanisms. The PoA was also focused solely on illicit arms trade and did not include any controls on legal transfers (Meyer 2014).

The first legally binding agreement, adopted by the UN General Assembly in 2001, was the Firearms Protocol, which has significant limitations in scope. It covers only firearms and ammunition, and “...does not apply to state-to-state transactions or state transfers where national security interests would be prejudiced” (Parker 2013, 2). Like the PoA, the focus was clearly on trying to curb illegal arms transfers, but as Mike Bourne has pointed out, “the primary global structure of SALW spread...is the legal market not a global illicit market” (Bourne 2010, 10).

In 2008 the UN General Assembly authorized the establishment of a working group towards a legally binding international Arms Trade Treaty (ATT). After a several years of negotiations and a few failed attempts, the treaty finally passed in April 2013 and entered into force after the first 50 ratifications, in December 2014 (Meyer 2014). The ATT is significant in several ways. It is the first legally binding arms treaty that is both comprehensive in scope and has a global reach (Garcia 2014). It is also different from the PoA and the Firearms Protocol in that it is meant to regulate government authorized, state-to-state trade.

There are two ways of controlling arms exports in the ATT. First, there are specific prohibitions against states under arms embargoes, and those that have violated international agreements regarding illegal trafficking (Meyer 2014). In addition there is a risk assessment requirement for all arms exports, even if the receiving state is not under prohibition. The risk assessment should take into account “whether the arms would contribute to undermining peace and security, or could be used to commit or facilitate serious violations of international humanitarian or human rights law” (Meyer 2014, 207). If the supplier has prior knowledge that genocide, war crimes, crimes against humanity or others covered by the Geneva Conventions will occur, they are prohibited from transferring the weapons.

The ATT covers all conventional weapons and ammunition including SALW, which fills some gaps from previous agreements, but it only deals with international transfers. There are still certain munitions, parts and components that are not covered, but in general the scope of weapons covered is broad (McDonald 2013). Regarding exports, the ATT has strengthened regulations, but in terms of import, transit and brokering, it has weakened existing commitments. Furthermore, disarmament, stockpile management, surplus disposal and other topics are not covered at all (Parker 2013).

State Responsibility

While the treaty is at least an important symbolic achievement, there are several obstacles that make it unlikely that the ATT will have a meaningful impact on conflicts like the Syrian Civil War. For one thing, even though the treaty is legally binding, it still relies solely on signatory states for its enforcement. “The Treaty is not self-implementing but will necessitate that states pass national laws to carry out the obligations arising from the Treaty’s norms” (Garcia 2014).

Even the language of the treaty is full of ambiguous statements that tend to leave the most important decisions up to states. For example, the result of a risk assessment would only prevent export authorization if the state determines there is an “overriding risk of any of the negative consequences” (Arms Trade Treaty 2013, Art. 7). If the state fails to find that overriding risk, and has no prior knowledge that human rights violations will occur with the weapons it exports, then it cannot be held responsible for the consequences (Clapham 2014). This brings up important questions about how to calculate risk, which are essentially left up to the state to decide.

The provisions that cover import and transit are also “littered with qualifying language, whereby states are only required to take measures to regulate imports ‘where necessary’ (art. 8.2); to take measures to regulate transit ‘where necessary and feasible’ (art.9)” (Parker 2013, 2). Article 11 of the ATT addresses the issue of diversion, which is one way that legally transferred small arms enter the black market. Unfortunately, this provision “puts almost all responsibility for preventing diversion on the exporting state, playing down the contribution that importing states need to make in this area” (McDonald 2013). Requiring authorization for all re-exports or transfers would be one way of preventing exporting states from inadvertently arming groups they have no connection with. For example, Germany has signed and ratified the ATT, and has no intention of sending arms to either side in Syria. Chancellor Merkel has stated “On the issue of arms supplies, Germany has very clear, strict rules on this, legal rules, according to which we are not allowed to supply arms into areas where there is civil strife. And that is not specifically designed for the Syrian question; it is a general rule” (The White House, 2013). However, Germany continues to export arms to Saudi Arabia and other states that could potentially divert the arms to conflicts.¹¹⁸

Ratifications

Secondly, and related to the first problem, states can only be held responsible for the treaty agreements if they have signed and ratified it. As of April 2015, 130 states have signed the ATT, but only 66 have ratified it. None of the states involved in the Syrian conflict are included in that number (UNODA 2015). Iran, Qatar, Saudi Arabia and Jordan

¹¹⁸ “Germany approves weapons exports to Saudi Arabia”, *Deutsche Welle*, Accessed April 12, 2015, <http://www.dw.de/germany-approves-weapons-exports-to-saudi-arabia/a-18234944>.

have not even become signatories. Turkey, the U.S., Lebanon and Libya have signed but not ratified the treaty.

Hypothetically, selling arms to the Assad regime would now be in violation of the Arms Trade Treaty, under Article 6. "A State Party shall not authorize any transfer...[that] would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilians...or other war crimes" (Arms Trade Treaty 2013, Art. 6.3). It could be argued at least that the Syrian government has been involved in attacks directed against civilians, using weapons provided to it by both Russia and Iran. Without those two countries signing the treaty, there is no action that could be taken to prevent them from continuing to supply the Assad regime.

This problem is not unique to the Syrian war. Of the top ten exporting countries (from 2009 - 2013), only the five European Union countries have ratified the treaty.¹¹⁹ The United States, Russia, China, Ukraine and Israel are unlikely to become parties to the ATT. Likewise; out of the top ten importing countries only Australia has succeeded in ratifying the treaty.¹²⁰ Unless these important players in the global arms trade find strong incentives to join the ATT, the treaty will fail to achieve its intended results.

Non-state Actors

By far the most problematic aspect of the ATT as it concerns intrastate conflict is the lack focus on non-state actors. In civil conflict, at least one party will be a non-state actor, and these armed groups frequently have external state sponsors. SALW are particularly easy

¹¹⁹ "The Top 20 Arms Exporters, 2009-2014", *SIPRI*, March 17, 2014, Accessed April 10, 2015, http://www.sipri.org/googlemaps/2014_of_at_top_20_exp_map.html

¹²⁰ "The Top 20 Arms Importers, 2009-2014", *SIPRI*, March 17, 2014, Accessed April 10, 2015, http://www.sipri.org/googlemaps/2014_of_at_top_20_imp_map.html

for non-state actors to acquire because of the large supply base and because they can be technically assimilated easily (Bourne 2010). Despite this, there is no blanket prohibition on transfers to non-state actors in the ATT.

This has been one of the most contentious issues in the ATT process, primarily because of strong resistance from the U.S. (Garcia 2014). “The US position on the issue of banning arms transfers to non-state actors showed that US state security concerns would be accommodated even when they were in conflict with the state security concerns of many states around the world” (Bromley et al. 2012, 1030).

There have been past efforts to ban transfers to non-state actors, for example in the PoA discussed above. There was a provision in that agreement which stated, “Exporting countries will supply small arms only to governments, either directly or through entities authorized to procure arms on behalf of governments” (Holtom 2012). The United States objected to that restriction as well, stating: “This proposal would preclude assistance to an oppressed non-state group defending itself from a genocidal government. Distinctions between governments and non-governments are irrelevant in determining responsible and irresponsible end-users of arms.” (Holtom 2012).

The primary reason for the U.S. objection to this potential ban has always been constraints on national security and foreign policy interests (Holtom 2012). As Stohl et al. point out, the U.S. occasionally arms rebel groups as part of their foreign policy.“

Immediately after the [9/11] attacks, Secretary of State Colin Powell stated that the United States would provide arms to groups such as the Afghan Northern Alliance and Iraqi opposition groups” (Stohl et al. 2007, 48).

During the cold war that was a common strategy used by both sides, but even in the past decade the U.S. and others have continued the practice. Libya, Syria, and now possibly Ukraine provide cogent examples.¹²¹ It's clear from their absence on the list of signatory states that many Gulf countries were also "unlikely to support the inclusion of a prohibition on transfers to NSA in an ATT" (Holtom 2012).

An additional reason that the ban on transfers of SALW was not included in the ATT is that there is still no internationally accepted definition of a non-state actor (Holtom 2012). For example, should private military contractors be counted as non-state even when they are doing the bidding of a state government? What about non-UN member states or unrecognized governments? The line between state and non-state military actions is becoming blurrier, especially as states like the U.S. continue training and arming militias. It is well known that governments use the same arms brokers and networks for legal transfers as others do for illegal transfers (Stohl et al. 2007).

In SALW literature, some of those covert arms transfers might be labeled 'grey market', which account for a larger volume and value of trade than black market, especially to conflict areas (Bourne 2010). Grey market arms transfers refer to those that fall somewhere between legal and illegal. An example would be a transfer from a state or agency in violation of its own laws to a conflict group, or a transfer that is authorized by one state and not the other. Sometimes it is not clear if a transaction is authorized by the state or not. "Grey-market transshipment occurs when the authorisation of the state is unclear, often involving state officials acting in an official capacity but without appropriate authorisation" (Bourne 2010, 126).

¹²¹ Rinke, Andreas, and Aleksandar Vasovic, "Obama says still weighing decision on arming Ukraine forces," *Reuters*, February 9, 2015, accessed May 22, 2015, <http://www.reuters.com/article/2015/02/09/us-ukraine-crisis-idUSKBN0LD15B20150209>

Even though there is no blanket prohibition on transfers to non-state actors, the U.S. and other relevant states listed above are not likely to ratify the ATT. Perhaps one factor is that an honest risk assessment as described in Article 7 would lead to the conclusion that arms transfers to opposition groups could have negative results. How could it be concluded that sending more arms to a conflict zone would not risk “undermining peace and security” (Arms Trade Treaty 2013)?

One last reason there may never be a ban on transfers to non-state actors is that it is impossibly difficult to track them. There is no database for transfers beyond the state-to-state zone, and once weapons make their way into the illicit or gray market realm, they disappear from public record. Treaties and embargoes are important but top-down solutions can only go so far in dealing with transnational problems. There is a need for non-state-centered arms control, focused directly on the source: major arms producers and economies that rely on them, as well as areas where arms have already accumulated and are waiting to be funneled to the next big conflict.

IV. Chapter Four: Surplus Arms and Disarmament

Moving beyond the matter of embargo and treaty compliance, the broader issue of arms production needs to be addressed. The biggest problem with treaties and other norms for international trade is that they no longer call for disarmament but rather accept militarism as a legitimate aim. If real progress is to be achieved in curbing SALW proliferation, “campaigners need to return to a strategic contestation of global militarism rather than searching for tactical campaign victories dependent on accommodation with the language and economic and security paradigms of contemporary military humanism” (Cooper 2011, 154).

With arms control regulations, the international community is attempting to direct how and where weapons are distributed, but ultimately these laws have failed to keep arms out of conflict zones and high tension areas. Meanwhile, there is no attempt to slow production of arms or the growth of the industry itself. Without infringing on the legal right of states to defend themselves and store weapons for that purpose, there is still much that can be said about the impact of arms production and the sheer quantity of weapons available all over the world.

Thousands of new weapons are continually produced by the global defense industry, year after year. The Small Arms Survey estimates “an annual production of small arms alone (firearms, rather than light weapons) averaging 700,000—900,000” worldwide.¹²² This is added to the 875 million estimated to already exist.¹²³ Weapons producers, like any private business, are profit-driven and their survival depends on selling new lethal equipment each

¹²² “Producers”, *Small Arms Survey*, accessed May 22, 2015, <http://www.smallarmssurvey.org/weapons-and-markets/producers.html>

¹²³ “Civilian Inventories”, *Small Arms Survey*, accessed May 22, 2015, <http://www.smallarmssurvey.org/weapons-and-markets/stockpiles/civilian-inventories.html>

year. In order to keep sales up, they also need to continue making their old products obsolete. It's the same logic that tech companies use when creating new cell phone and computer models every year that are always more attractive and innovative than the previous ones. The health of the defense industry also requires consumer led growth and the creation of new products to replace the old. But unlike many of today's cheap consumer products that seem built to fall apart, rifles and handguns are made to last.

Just because new weapons are produced doesn't mean that the old ones become inoperable. What happens to last year's weapons? Just as you may sell your old laptop on Ebay or your used car to a dealer, old weapons are sold on the global market to those that can't afford brand new models. This is the fate of what are called 'surplus' arms, the weapons that are available to circulate freely in the licit or illicit market because they are made extraneous to the needs of governments that have acquired them. The availability of surplus weapons has enormous implications for intrastate conflicts such as Syria as this is what makes it possible to ship cheap supplies of guns and ammunition to insurgent groups.

There are two interconnected processes that lead to the availability of surplus arms: continuous production that renders old models obsolete, and the failure to collect, secure, and destroy excess weapons, wherever they exist. The first process can be described as a perpetual generation of surplus stocks by categorizing weapons as out-of-date (Bourne 2010). "As a modern military force either accumulates far more small arms than it needs or updates and replaces its obsolete models, its government passes much of its old stock on to the global arms market" (Chivers 2011). The end of the Cold War contributed greatly to this global surplus, bringing an unprecedented scale of surplus weapons to the market (Byman et al. 2001). Former Soviet countries no longer needed such large arsenals, and economic decline made them eager to sell surplus stocks wherever possible. The practice of

standardizing military equipment with allies also renders nonstandard equipment useless, unless it can be converted to cash. Mike Bourne estimates that the number of SALW made surplus after the Cold War was in the tens of millions (Bourne 2010).

While many Cold War stocks became available 25 years ago, they may still be circulating due to their long shelf life. For example, ammunition recently documented by the Small Arms Survey in Syria was found to have been produced as early as 1952 (Jenzen-Jones 2014). Even older stocks still exist, for example, in Afghanistan: U.S. troops found stockpiles of WWII rifles manufactured in 1940 that, although old and outdated, were still being used effectively by snipers (Chivers 2011). Phythian also notes that "the end of the Afghan war left a reservoir of unwanted arms which has had the impact of transforming northwest Pakistan into a regional center for arms trading" (Phythian 2000, 8).

Croatia is one of the states that has been known to have large government stocks of surplus SALW. It has been alleged that at least 75 planeloads of weapons have been sent from Zagreb to Syria since 2012.¹²⁴ According to a Croatian newspaper, Saudi Arabia financed the transaction, while the U.S., Turkey and Jordan all played a role in facilitating the transfer to Syrian rebels. This example illustrates that "the global trade in surplus SALW draws largely from state stocks rather than the fragmented stocks in civilian hands, or the illicit arms of insurgent forces" (Bourne 2010, 68). It also highlights how states typically utilize the same sources and networks as private dealers when directing covert military aid.

¹²⁴ Spencer, Richard, "US and Europe in 'major airlift of arms to Syrian rebels through Zagreb'," *The Telegraph*, March 8, 2013, accessed May 22, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/9918785/US-and-Europe-in-major-airlift-of-arms-to-Syrian-rebels-through-Zagreb.html>

Surplus Arms and Counter-Proliferation Measures

The second process that affects the availability of surplus arms involves a variety of non-proliferation efforts such as disarmament, stockpile management, buy-back programs, and even, rarely, arms destruction. The effectiveness of these programs has a direct impact on the number of surplus arms available. Large-scale international endeavors around these issues began only in the 1990s and are typically implemented in post-conflict situations, especially civil wars (Bourne et al. 2012). “Effective stockpile management often requires the disposal of surplus arms and ammunition often created by military downsizing after conflict.” (Bourne et al. 2012, 194) As we shall see, however, ‘disposal’ only sometimes means destruction, and more frequently means transferring to government ownership or selling to foreign customers.

The term disarmament is most commonly used in reference to non-proliferation of nuclear weapons. Nevertheless, since the 1990s there has been increasing attention on “disarmament, demobilization and reintegration” or DDR, which focuses on individual fighters and small arms in post-conflict situations. The intention behind post-conflict disarmament is to reduce the likelihood that armed conflict will re-ignite in the same area before tensions have cooled. Disarmament has not historically been a priority in post-conflict reconstruction, but the lack of it can create region-wide instability (Dhanapala et al. 1999). DDR has important implications for entire regions because when disarmament does not occur, militants sell surplus weapons on the black market, potentially feeding the next conflict. Many of the small arms accessed in the early days of the Syrian war came from neighboring states that have recently experienced civil strife, such as Iraq and Lebanon.

Since 2001 there has been much progress in addressing SALW control and DDR in many regions, but very few initiatives have had complete success. In Afghanistan the UN

backed a DDR program from 2003 to 2005, demobilizing and reintegrating 53,000 militants. International donors, led by Japan put up \$100 million for the project. Yet most of the arms captured in the program were transferred back to the Afghan National Army (Bourne et al. 2012). Similarly, since the wars in Bosnia and Kosovo the entire Balkans region is awash with small arms to be sold on legal or black markets, despite many being rounded up and destroyed. Almost 150,000 weapons have been collected, but an estimated 750,000 illegal guns remain on the loose.¹²⁵

The challenges of post-conflict disarmament are multi-layered. Ideally DDR programs allow for the voluntary exchange of weapons for cash, goods or training, but it is often difficult to persuade individuals that the exchange is worth it. “Some former fighters see weapons as a source of power and protection and are therefore hesitant to give them up” (Stohl et al. 2007, 55). The more unstable the political situation, the less likely it is for them to give up their only tool for self-defense. Where there are sectarian tensions in the political sphere weapons may be seen as a political tool or protection against a state they don’t trust. Still another aspect that makes the success of buyback programs questionable is the tendency of people to use the cash received to buy a new weapon, or to buy guns on the black market and exchange them for a higher price in cash (Stohl et al. 2007).

Nevertheless, when DDR programs are implemented they should be seen as small victories and supported widely to have the maximum impact. Because there is no established fund at the international level to assist post-conflict areas with disarmament issues, much of the funding has come from donor governments and therefore with national priorities. The largest weapons destruction program has been funded by the United States, but not in a post-

¹²⁵ “Disarmament Week marked in Bosnia and Herzegovina,” *UNDP*, October 31, 2014, accessed May 22, 2015, <http://www.eurasia.undp.org/content/rbec/en/home/presscenter/articles/2014/10/31/disarmament-week-marked-in-bosnia-and-herzegovina.html>

conflict country. “The US Office of Weapons Removal and Abatement funded/conducted the destruction of 1.4 million small arms, 80,000 tonnes of munitions...and almost 32,000 MANPADS in over 30 countries” (Bourne et al. 2012, 195). While a significant achievement by any standard, most of that was related not to post-conflict zones, but to the NATO Partnership for Peace, which targets former Warsaw Pact countries who experienced large arsenal buildups during the Cold War.

The U.S. also made a large effort to recapture hundreds of stinger missiles given to the Afghan mujahideen during their war against the Soviets. The CIA spent twice the original value of the stingers trying to buy them back (although they still left hundreds unaccounted for) (Phythian 2000). The above examples illustrate that the priority for developed nations is the control of more visible weapons of mass destruction, not the conventional small arms that kill a larger number of people overall. “During the Cold War, SALW and associated armed violence issues were marginalised in international policies and arms control efforts, which focused instead on WMD and major conventional arms that were considered to be of much greater strategic concern” (Bourne et al. 2012, 183). On the one hand, international agencies and NGOs have since worked to increase awareness of SALW proliferation. On the other hand, governments that would potentially be the biggest donors for these programs still set an agenda that prioritizes their own national interests.

Shoulder-fired missiles, or MANPADS, have received a special kind of attention from Western states as they have the capacity to hit commercial airliners from the ground and be used as an instrument of terrorism. For this reason, their diffusion is seen as more dangerous than that of, say, anti-tank missiles. Most anti-aircraft missiles are stored in secure government depots and only last a couple of decades at most, not half a century or more. For missiles, a special non-proliferation technology has been developed called a ‘controllable

enabler', which would require a code to be entered to operate normally. "Stolen missiles that had not been enabled -- presumably the majority of a country's holdings -- would be of little use" (Stohl et al. 2007, 97).

On the other hand, many states either promote or turn a blind eye to spread of SALW. Why is one form of proliferation seen as detrimental and dangerous, while the other is seen as humanitarian intervention? The victims of conventional small arms in the conflicts of developing nations are largely invisible to the international community and cause a disconnect between perceptions of aid and the impact of arms proliferation.

At the same time that the UN Security Council was cooperating to remove chemical weapons from Syria, several of its members were sending or considering sending shiploads of conventional weapons into the country. This two-track policy towards arms proliferation, can be seen through the example of Libya.

Libya

When Gaddafi lost power in 2011, his arsenal of weapons that had been compiled during the previous 40 years was abandoned and left open to looters in the chaos of the war (Stohl 2012). This is currently having a huge impact on arms transfers throughout northern Africa, but there has been a specific connection to Syria as noted in Chapter Two. Large shipments of small arms have been leaving Libya for Syria since 2012. Whether the U.S. was aware of or facilitating these shipments is unknown, but "The U.S. effort in Benghazi was at its heart a CIA operation, according to officials briefed on the intelligence."¹²⁶ According to the Wall Street Journal, at least part of the mission in Benghazi was related to the "spread of weapons

¹²⁶ Entous, Adam et al. "CIA Takes Heat for Role in Libya," *The Wall Street Journal*, November 1, 2012, accessed May 22, 2015, <http://www.wsj.com/articles/SB10001424052970204712904578092853621061838>

and militant influences throughout the region, including in Mali, Somalia and Syria” (WSJ 2012).

This is only one side of the story, however. In November 2011, the U.S. Department of State announced that it had “committed to providing \$40 million dollars to assist Libya’s efforts to secure and recover its weapons stockpiles.”¹²⁷ There was no mention of small arms in this announcement; instead the main concern was the estimated 20,000 MANPADs that Gaddafi had accumulated that were now unsecured. Only \$1.5 million of the 40 was allocated to “two nongovernmental organizations, the Mines Advisory Group and the Swiss Foundation for Mine Action, to recruit and train local explosive ordnance disposal teams across Libya.”¹²⁸ Thus, this funding commitment was primarily an issue of counter-terrorism, not overall disarmament.

A picture emerges that places the U.S. government at the center of two contradictory efforts in Libya: to control the spread of shoulder-fired missiles, and to facilitate or at least allow the spread of other small arms to countries like Syria. Scott Stewart of the Stratfor intelligence firm goes so far as to claim that, “One of the functions of the U.S. presence in Benghazi, Libya, was to help facilitate the flow of Libyan arms to Syrian rebels” (Stewart 2013). Either way, this reinforces both the duplexity of the approach to contain visible and non-visible weapons, and the challenge of securing state stockpiles in turbulent situations.

¹²⁷ Shapiro, Andrew, “Addressing the Challenge of MANPADS Proliferation,” *U.S. Department of State*, February 2, 2012, accessed May 22, 2015, <http://www.state.gov/t/pm/rls/rm/183097.htm>

¹²⁸ Babb, MacKensie. “Countering Weapons Proliferation in Libya as a Top U.S. Priority”, IIP Digital, July 19, 2011, accessed May 22, 2015, <http://iipdigital.usembassy.gov/st/english/article/2011/07/20110719142600eiznekcarn0.5927698.html#axzz3W0EbZ23y>

Iraq

The situation Iraq is a slightly different story, but one that illuminates the stockpile security problem further. It shows a cycle of disarmament and rearmament, repeating itself indefinitely. Weapons were accumulated during the Cold War era, but the inflow has continued more recently as the world's largest arms exporters keep supporting the new government with new weapons while trying in vain to contain the spread of 'old weapons'.

When Saddam's regime collapsed in 2003 and the Baathist army was disbanded, U.S. troops were unable to adequately secure the many stockpiles and armories, leading to a large increase in arms available on the black market. "The easy availability and frequent misuse of weapons fueled violence, insecurity and fear in Iraq" and within a few months U.S. forces tried implementing a gun collection program (Stohl et al. 2007, 30). By offering cash payments and amnesty for weapons, as many as 160,000 tons of munitions were collected and 240,000 destroyed, but even this achievement "did little to reduce the actual number of small arms in Iraq or to improve security on a large scale" (Stohl et al. 2007, 31).

Meanwhile, as early as 2004, larger conventional weapons, aircraft and light weapons began pouring into Iraq from dozens of sources. From 2004 to 2014, the value of conventional weapons imported to Iraq totaled around \$4 billion.¹²⁹ More than half of the equipment was from the U.S., but other large exporters included Germany, Russia and Ukraine. The light weapons included in those orders were thousands of anti-tank missiles, several hundred portable SAM missiles and hundreds of mortars.¹³⁰ It was also revealed in an Amnesty International report that the U.S. Department of Defense had "directly funded

¹²⁹ "Importer/Exporter TIV Tables," *SIPRI*, accessed may 22, 2105, <http://armstrade.sipri.org/armstrade/page/values.php>

¹³⁰ "Trade Registers," *SIPRI*, accessed may 22, 2015, http://armstrade.sipri.org/armstrade/page/trade_register.php

the transfer of at least 800,000 Soviet-type weapons and 9mm pistols from several countries” (Amnesty International 2008, 42). Of those, at least 99,000 kilograms of arms, mostly Kalashnikov rifles, were subcontracted to be sent from Bosnia to Iraq between 2004 and 2005.

The next crisis came in June 2014 with the advance of the Islamic State of Iraq and the Levant (ISIL) into Mosul and Tikrit, and the subsequent fleeing of Iraqi troops who left behind “enormous quantities of American-donated armored vehicles, weapons, ammunition, and other military supplies.”¹³¹ According to a Kurdish chancellor, by August of that year ISIL had “five divisions' worth of Iraqi military weapons, all of them US-supplied, that they are using to turn on communities that are outgunned, and increasingly outmanned.”¹³² The UN, too, confirms that most of ISIL’s weaponry comes from supplies seized from the armed forces of Iraq.¹³³

While the U.S.-led coalition of states has since launched a major offensive against ISIL and considers it to be a major threat, the fact remains that they are fighting largely against weapons produced and sold by their own governments and defense corporations. Yet exports to the Iraqi government continue, in order to help the state defend itself against ISIL. In

¹³¹ Dreazen, Yochi, “ISIS Uses Mafia Tactics to Fund Its Own Operations Without Help From Persian Gulf Donors,” *Foreign Policy*, June 17, 2014, accessed May 22, 2015, <http://foreignpolicy.com/2014/06/17/isis-uses-mafia-tactics-to-fund-its-own-operations-without-help-from-persian-gulf-donors/>

¹³² Chulov, Martin, “Islamic State militants seize four more foreign hostages in Syria,” *The Guardian*, August 20, 2015, accessed May 22, 2015, http://www.theguardian.com/world/2014/aug/20/islamic-state-isis-foreign-hostages-syria-aleppo?CMP=tw_t_gu

¹³³ “The Islamic State in Iraq and the Levant and the Al-Nusrah Front for the People of the Levant: report and recommendations submitted pursuant to resolution 2170 (2014),” *United Nations Security Council*, November 14, 2014, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/815

2015 alone the U.S. allocated \$1.6 billion in military aid to the country.¹³⁴ Included in that figure are 57,600 M4 carbine rifles and 5,000 Kalishnikovs, to be distributed among the military, peshmerga forces and tribal security groups.¹³⁵ Germany and Turkey have also promised millions in new aid including missiles, rocket launchers and rifles.^{136 137}

There is nothing to suggest that the new government will be better able to secure its arsenals in the face of an unstable and unpredictable situation. It is well recognized that “..progress on SALW governance will remain highly constrained by the fragile, contested and impoverished overall systems for governance that are typical in post-conflict contexts” (Bourne et al. 2012, 206). Yet the general practice of arming current geopolitical allies is rarely challenged, even as paradoxical efforts to collect and destroy certain weapons are being pursued.

The impact of these sales and military aid do not only have implications for Iraq, but for the entire region, including Syria. The gains that ISIL made in Iraq strengthened the organization in Syria as well and further divided the opposition between those targeting the regime and those targeting ISIL. U.S. efforts to train and arm thousands of rebels in the next three years have little hope of unifying opposition groups, many of whom still do not see ISIL as the main enemy.

¹³⁴ Mamoun, Abdelhak, “US Congress allocates \$1.6 billion as military aid for Iraq in coming months,” *Iraqi News*, April 23, 2015, accessed May 22, 2015, <http://www.iraqinews.com/iraq-war/congress-allocates-1-6-billion-military-aid-iraq-coming-months/>

¹³⁵ Lamothe, Dan, “A breakdown of all the weapons the U.S. wants to give Iraq to fight militants,” *The Washington Post*, November 21, 2014, accessed May 22, 2015, <http://www.washingtonpost.com/news/checkpoint/wp/2014/11/21/a-breakdown-of-all-the-weapons-the-u-s-wants-to-give-iraq-to-fight-militants/>

¹³⁶ “Germany Announces More Military Aid To Iraq To Fight IS,” *Radio Free Europe*, February 6, 2015, accessed May 22, 2015, <http://www.rferl.org/content/iraq-germany-military-aid/26834289.html>

¹³⁷ “Turkey delivers military aid to Iraq in fight against ISIS,” *Daily Sabah*, March 3, 2015, accessed May 22, 2015, <http://www.dailysabah.com/diplomacy/2015/03/03/turkey-delivers-military-aid-to-iraq-in-fight-against-isis>

The dual problems of overproduction and unsecured surplus weapons go hand in hand. Arming governments and non-state militants in unpredictable situations is sure to lead to more conflict and instability, which inevitably feeds into justifications for providing more weapons to whichever actors are deemed to be in need of defensive support. This practice of training and arming allies was perfected by the U.S. and Soviet Union during the Cold War, but is increasingly being practiced by non-Western states in a more regional context, as seen by Qatar and Saudi Arabia in Syria. The difference is that when things went wrong in Latin America or Africa, the world's superpowers were able to walk away and claim no responsibility. Today in Syria it's a different picture. Most of the governments contributing to chaos in Syria will undoubtedly be shaped by the outcome for years into the future.

Efforts to control weapons once they have been distributed in a conflict zone are not likely to work, and arms producers will rely on that fact to continue selling their wares to those who are threatened by the cycle of uncertainty. Disarmament can be effective, but only if pursued on a larger scale and accompanied by a campaign to restrain growth of the defense industry. Until the concept of militarization as foreign policy is no longer accepted as legitimate, there is little hope for curbing the overall trend of militarism.

Conclusion

The practice of arming militant groups against enemies in proxy wars is not new. Dozens of conflicts during the Cold War could easily fit into this pattern. But there was a brief period, when these actions came to light, that they were condemned by the international community. The norm of non-intervention was upheld by the International Court of Justice when it ruled in 1984 that the U.S. had violated that norm by arming and financing the contra rebels in Nicaragua. "The Court concluded that the USA had violated the customary international law rule on non-intervention through its 'training, arming, equipping, financing and supplying the *contra* forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua'"(Clapham 2014, 3).

Since that time, however, the transfer of weapons to armed groups in intrastate conflict has been typically framed as military 'aid' and humanitarian intervention, and the legality of such actions is rarely addressed. The cause is not that international laws and norms have changed drastically since that ruling. "Simply put, no justification for providing arms to the Syrian rebels is likely to survive objective legal examination" (Schmitt 2014, 159). Without a Security Council resolution, even humanitarian intervention is an insupportable justification for the use of force.

The Responsibility to Protect (RtoP) norm makes the legality issue cloudier, and helps promote the idea that flooding a country with weapons is a form of defensive protection, as if there were no other possible response to conflict. RtoP was formulated in 2005 in a resolution passed by the General Assembly.¹³⁸ It transformed the language of humanitarian intervention into language of responsibility, which de-emphasized the violation of

¹³⁸ "Learn About RtoP", *International Coalition for the Responsibility to Protect*, accessed May 22, 2015, <http://www.responsibilitytoprotect.org/index.php/about-rtop/learn-about-rtop>

sovereignty (Falk 2012). However, the RtoP norm is still confined within the legal framework of the UN charter and cannot be upheld without a Security Council resolution. In the case of Libya, “it was the resolution itself, not any purported legal justification associated with the responsibility to protect, which provided the legal ground for mounting the operations to protect the civilian population” (Schmitt 2014, 151). Even more clearly, the International Court of Justice’s Nicaragua ruling stated that “the protection of human rights, a strictly humanitarian objective, cannot be compatible . . . with the training, arming and equipping of the contras” (ICJ 1986, 134).

We are faced with a system, however, where international law is not enforced impartially or ubiquitously. Many have further argued that international law requires a certain flexibility, pointing to the failure of the international community to prevent atrocities such as the genocide in Rwanda. This leads to the distinction between legality and legitimacy. While aiding the Syrian rebels against their government may still be considered a violation of the non-intervention norm, it is clearly not seen as illegitimate by the international actors who have taken part or supported the aid.

When is it considered legitimate for a state to intervene by aiding military operations against another government, and when would such an action be considered aggressive? The former is more easily claimed when the rightful authority of a government is in question, as has been the case in most of the Arab Spring uprisings. The invasion of Afghanistan, too, relied on the refusal of the international community to recognize the Taliban as the legitimate government of the country (Falk 2012). However, most states have fallen short of recognizing the Syrian opposition as the de facto government of Syria (Schmitt 2014).

Falk describes legitimacy as a “principled” source of authority needed to address the deficiency of international law and further clarifies that “..the violation of an underlying

norm of international law carries with it the responsibility to adhere to a framework of secondary norms” (Falk 2012, 7). The Kosovo War in 1999 was the first time the legitimacy distinction was clearly used to argue against adherence to international law and was based on the fairly certain ethnic cleansing that would have occurred without intervention.

Relying on that kind of justification to bypass Security Council approval is surely not appropriate for every situation, however. It is easy to argue for a principle, but the principle of protecting civilians may not match up to the end result of intervention, especially when taking into account long-term consequences of militarization. Schmitt offers this caution: “States should be very cautious about using legitimacy as a justification for violating international law; to accept legitimacy as trumping legality is to risk admitting an exception that swallows the rules” (Schmitt 2014, 159).

Increasingly, transnational weapons transfers, whether licit or illicit, are occurring without significant public discussion. How is legitimacy to be determined in this case? Falk writes that “legitimacy is more properly associated with the domain of civil society broadly conceived to include public morality...” (Falk 2012, 15). But this assumes that civil society is present and engaged and aware of all the facts of the case. He also writes that silence from the international community when legal rationale is questionable is “precedent setting” and expresses an “implicit legitimacy claim” (Falk 2012, 23). Yet isn’t the purpose of law in part to prevent manipulation of public opinion through public relations rhetoric and half-truths?

Today, if a decision to arm militant groups is discussed at all in the public sphere, it is done so as a matter of national politics, strategy, and vague humanitarian rhetoric, not in terms of international law, and not presenting an objective picture. The moral and legal dimensions of the debate are absent and it is practically taken for granted that military *aid* will indeed *aid* the “victims” against the “enemy”. The complexities of arms distribution,

control and proliferation are not taken into account. Neither is the broader context of the situation including the very real possibility that contributing more arms to a civil conflict will lead to protracted fighting, inter-rebel combat, sectarian tensions and greater instability. In essence, shortsighted geopolitical interests are put before regional stability and genuine humanitarian concerns.

Silence is not enough to give legitimacy to the covert militarized meddling that constitutes the predominant international response to the Syrian conflict. “Before it arms Syrian rebels, the United States needs to be comfortable with the prospect of contributing to the crystallization of a customary norm allowing other states to arm rebel groups in similar circumstances before it proceeds” (Schmitt 2014, 159). In fact, though, that point has already been surpassed. Other states *are* actively arming rebel groups in Syria, and the only ones objecting are the few geo-political allies of Assad, making the issue politically polarizing.

The shortcomings of global peacemaking reflect an ongoing need to strengthen the independence of multilateral forums and their capacities to resolve crises with diplomacy rather than force, and provide adequate humanitarian rather than military aid.

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